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Translated from Russian

Permanent Mission of the Russian Federation to the United Nations Office and other International Organizations in Geneva

No. 841

The Permanent Mission of the Russian Federation to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to transmit herewith information from the Russian Federation in relation to the joint communication from a number of special procedures of the Human Rights Council AL RUS 14/2021 of 13 December 2021.

The Permanent Mission takes this opportunity to convey to the Office of the United Nations High Commissioner for Human Rights the renewed assurances of its highest consideration.

Geneva, 25 February 2022

Encl. Above-mentioned reply, 2 pages.

Office of the United Nations High Commissioner for Human Rights,
Geneva

Information from the Russian Federation regarding the joint enquiry of the special procedures of the Human Rights Council concerning the extrajudicial execution [REDACTED] a citizen of the Syrian Arab Republic

Reference: AL RUS 14/2021 of 13 December 2021

The Russian Federation, having studied the above-mentioned joint enquiry of the special procedures of the Human Rights Council concerning the extrajudicial execution of [REDACTED] a citizen of the Syrian Arab Republic, has the honour to provide the following information.

On 18 March 2021, the main investigative department of the Investigative Committee of the Russian Federation received an application submitted on behalf of [REDACTED] requesting the initiation of a criminal case, because he suspected [REDACTED] had been murdered by a Russian citizen in the Syrian Arab Republic in 2017. However, the investigative body saw no grounds for conducting checks in accordance with articles 144 and 145 of the Code of Criminal Procedure of the Russian Federation in this connection, owing to the lack of circumstances indicative of a crime.

This position of the investigative department seems to be suitably justified since the application received from [REDACTED] and the supporting documents contained no reliable information about the death [REDACTED], or the involvement of citizens of the Russian Federation in accompanying unlawful acts. Moreover, the authenticity of the accompanying video recording was not confirmed.

Moreover, it has been established that the alleged crime was possibly committed outside the Russian Federation. However, no records have come to hand of its investigation by the competent bodies of the Syrian Arab Republic or of any requests for the necessary legal assistance in that respect.

In consideration of the above, on 18 January 2022, the Basmanny District Court in Moscow dismissed the complaint of lawyer [REDACTED] who was acting in the interests of [REDACTED], concerning the inaction of officials of the Investigative Committee, namely the failure to conduct a procedural check.

The legislation of the Russian Federation does not provide for the possibility of establishing private military or security companies. Consequently, the Integrated State Register of legal entities, which is kept by the Federal Tax Service, cannot by definition list organizations with a profile like that of the Wagner Group to which the special procedures refer.

Moreover, if any citizens of the Russian Federation are under private contracts abroad with non-State set-ups, including foreign ones, that cannot serve as a reason for identifying their activities with the State policy of the Russian authorities. In the event of such persons committing crimes against interests protected by the Criminal Code of the Russian Federation outside the Russian Federation they incur liability under the Code, unless another State's court has taken a decision in respect of them concerning the acts in question (article 12 of the Criminal Code). Under Russian law, mercenarism is also a punishable crime (article 359 of the Criminal Code).

There is currently no information regarding the criminal prosecution in the Russian Federation of personal of private military or security companies for unlawful acts committed abroad.