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Russian Federation

RUS/01 - Galina Starovoitova

Decision adopted unanimously by the IPU Governing Council at its 201st session (St. Petersburg, 18 October 2017)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Ms. Galina Starovoitova, a member of the State Duma of the Russian Federation, who was assassinated on 20 November 1998, and to the decision adopted at its 197th session (Geneva, October 2015),

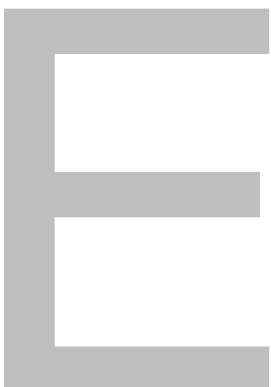
Considering the letter from the authorities dated 3 October 2017 and the information provided by the complainant,

Considering the hearings held by the Committee on the Human Rights of Parliamentarians with representatives of the State Duma, of the Prosecutor General's Office and with Ms. Olga Starovoitova, the sister of Ms. Galina Starovoitova, and her lawyer, during the 137th IPU Assembly (St. Petersburg, October 2017),

Recalling the following information on file provided over several years:

- In June 2005, two men, Mr. Akishin and Mr. Kolchin, were found guilty of Ms. Starovoitova's murder, with Mr. Akishin sentenced to 23 and a half years in prison and Mr. Kolchin to 20 years, both by the St. Petersburg City Court, which, in its judgment, concluded that the murder had been politically motivated; in September 2007, two others were found guilty of complicity in the murder and sentenced to 11 and 2 years' imprisonment respectively; four other suspects were acquitted and released; national and international arrest warrants have been issued for three other individuals; in its report of April 2008, the Prosecutor General's Office stated that the investigation and search operations to identify the other individuals involved in Ms. Starovoitova's murder were ongoing;
- Ms. Starovoitova was a prominent Russian human rights advocate and had denounced instances of high-profile corruption shortly before her assassination; in November 2009, the United Nations Human Rights Committee expressed its "concern at the alarming incidence of threats, violent assaults and murders of journalists and human rights defenders in the Russian Federation, which has created a climate of fear and a chilling effect on the media ...", and urged the Russian Federation "to take immediate action to provide effective protection and ensure the prompt, effective, thorough, independent and impartial investigation of threats, violent assaults and murders and, where appropriate, prosecute and initiate proceedings against the perpetrators of such acts"; many States made similar recommendations during the first and second universal periodic reviews of the Russian Federation's compliance with its human rights obligations before the United Nations Human Rights Council (February 2009 and April 2013),

Recalling the following information that Mr. Sergey A. Gavrilov, a member of the State Duma, provided to the Committee at the hearing held during the 126th IPU Assembly (Kampala, March-April 2012):



- It was very difficult to identify all the individuals involved in Ms. Starovoitova's murder, which had to be seen in the context of her political activism; after it became possible, in 2006, for convicts to obtain reduced sentences in exchange for cooperation in providing essential information about unresolved crimes, Mr. Kolchin had cooperated to help advance the recently resumed investigation into Ms. Starovoitova's murder; as a result, the authorities had been able to identify an additional suspect: Mr. Mikhael Glushchenko, a former member of parliament and a businessman involved in large-scale criminal activities, who was already serving a long prison term having previously been found guilty of extortion;
- The State Duma was fully committed to shedding light on and establishing accountability for Ms. Starovoitova's murder and had set up an anti-corruption and security committee, which was monitoring the case and coordinating with the Prosecutor General's Office about further developments; it would communicate further information on the investigation and proceedings to the IPU in the coming months,

Recalling that Mr. Glushchenko was formally charged and convicted, on 27 August 2015, to 17 years in prison as one of the organizers of the assassination,

Considering that the court, in its verdict, stated clearly that M. Glushchenko "was complicit as an organizer of the assassination" and that he "received instructions from an unidentified person to organize and commit the killing of Ms. Starovoitova",

Recalling that Mr. Glushchenko, during his trial proceedings, entered a plea bargain by agreeing to provide the name of the person who had ordered him to organize the killing in exchange for a reduced sentence; Mr. Glushchenko allegedly stated that he had acted under orders from Mr. Vladimir Barsukov (aka Kumarin), a former leader of the "Tambov criminal syndicate", who was already serving a prison term on a prior conviction,

Recalling that the complainant found it credible that Mr. Barsukov may have been involved in the assassination in some way, but believed that he most likely acted on orders from one or more other persons because he had no personal motive to instigate the murder; hence the necessity of pursuing the investigation to expose the real mastermind(s) who had ordered him to organize Ms. Starovoitova's assassination,

Considering that, according to the complainant, since the 2015 conviction of Mr. Glushchenko there has been no further progress in the investigation, and that no charges have been brought against Mr. Barsukov to date,

Considering that following the 2012 hearing, a total of 10 official letters were sent by the IPU Secretary General to the parliamentary authorities of Russia, primarily to the Chairperson of the State Duma, in order to seek updated information on the investigation of the mastermind(s) and further discussions with members of the Russian delegations to the IPU Assemblies; and that no response was forthcoming for five years until 3 October 2017,

Further considering that, on 3 October 2017, the Chairpersons of the State Duma and of the Council of the Federation responded to the IPU Secretary General's letter and asked him to "inform the members of the Committee about the completion of the investigation in this criminal case, in order to consider closing the case in accordance with the Rules of Procedure of the Committee"; the two Speakers recalled that the Russian authorities have pursued investigations and judicial proceedings against a number of suspects for years; they emphasized that "the legitimate and justified punishment that the murderers and the organizers of this crime received cannot mitigate the pain of the loss of one of the brightest politicians of the new Russia", who "is remembered as a prominent lawyer, a human rights activist and a public figure who did much to shape modern Russian society"; the Government of St. Petersburg has established a scholarship named after Galina Starovoitova for students of humanitarian studies institutes,

Recalling that the Committee's guiding principle is to never give up and that article 25 of its revised Procedure for the examination and treatment of complaints (Annex I to the Rules and Practices of the Committee on the Human Rights of Parliamentarians) provides that "The Committee shall continue in principle to examine a case at future sessions as long as a satisfactory settlement has not been reached",

Considering the following information that Mr. Anatoly Vybornov, Deputy Chairman of the State Duma Committee on Security and Corruption Prevention, provided at the hearing held during the 137th IPU Assembly:

- The Russian authorities have pursued the investigation of Ms. Starovoitova's assassination for many years; it has been a difficult task in light of the complexity of the case and the involvement of a multitude of persons; the length of the investigation can be attributed to the circumstances in which the crime occurred, namely the collapse of the Soviet Union and high levels of criminality at that time; the authorities have done their utmost to shed light on the circumstances of the assassination and have always expressed the wish to clarify them, no matter how long it may take; the investigation successfully led to the identification and conviction of several suspects, including Mr. Glushchenko; it is credible that Mr. Glushchenko was the true mastermind of the crime as he was not happy at the time with the public views that Ms. Starovoitova had expressed; Mr. Glushchenko is the only mastermind that has been identified by the courts to date and it is unlikely that other suspects will be identified, even if the investigation continues looking at various scenarios; the parliamentary authorities therefore recommend to the Committee to close the case because, in their view, the real culprit has been identified,
- With regard to suspicions about Mr. Barsukov's involvement in Ms. Starovoitova's assassination, the State Duma is committed to the principle of the presumption of innocence enshrined in the Constitution of the Russian Federation and cannot comment on this until the completion of the investigation and a final court ruling on this matter,
- The lack of cooperation by the parliamentary authorities should be regarded as an issue of the past; the State Duma is committed to cooperating with the Committee and pursuing a dialogue in the future,

Considering the following information that Lieutenant-General Nelly Evgenievna Solnyshkina, Head of the Department of the Office of the Prosecutor General of the Russian Federation for the Northwestern Federal District, provided at the hearing held during the 137th IPU Assembly:

- The investigation of Ms. Starovoitova's murder is still ongoing as it still has not identified all persons involved in the crime, including the ultimate mastermind(s) behind the assassination; the investigation is pursuing all possible scenarios but contract killings are hard to investigate as they are based on secret arrangements; the case is complex and sensitive; investigations are confidential until formal charges are brought and confirmed by a court against specific suspects; no formal charges have been confirmed against new suspects in recent years; the name of Mr. Barsukov was mentioned in the media and the investigation is looking at any possible connection with the case but he has not been formally charged to date;
- The Prosecutor General's Office, and the court, are the only authorities competent to decide whether to pursue or put an end to the investigation, which is still open and will continue; the investigation is being conducted by a group comprising experienced investigators from the Federal Security Service (FSB), the Prosecutor General's office and the police who have been on the case for many years; however there are no guarantees that it will be able to gather sufficient evidence to bring charges against other suspects;
- The State Duma is a different institution with a different mandate and is not involved in the investigation nor competent to make decisions on its continuation or closure pursuant to the domestic legal framework; the Office of the Prosecutor General is the only authority legally authorized to pursue the case and to supervise the investigation; it shares occasional summary updates on the investigation with the State Duma given that Ms. Starovoitova was a parliamentarian; should new verdicts be issued or the case be closed, the State Duma will be duly informed by the Prosecutor General's Office, as was done in the past,

Considering the following observations provided by Ms. Olga Starovoitova and her lawyer at the hearing held during the 137th IPU Assembly:

- The investigation has made progress over time and the investigators have always acted in a professional manner; the family has been kept informed of updates on a regular basis; there is no investigative team as such at this stage but only one investigator, who is actively working on the case; the investigation has been endless and the more time passes, the less likely it becomes that an end result can be reached; investigators have been replaced over time due to the length of the investigation and the fact that they had reached the maximum retirement age, thus affecting the continuity and efficiency of the investigation; public interest and support for the investigation has diminished over time as well;
 - Suspicions exist about different scenarios with regard to the mastermind(s), and the investigation is still ongoing and looking into these. Mr. Glushchenko cannot be trusted as a witness and his admission is not sufficient evidence to establish the exact role of Mr. Barsukov unless corroborated by additional evidence. Until suspicions can be proved in court, the presumption of innocence must be respected. While it is possible and credible that Mr. Barsukov may have played a role in co-organizing the assassination, it does not make sense that he alone would have instigated and ordered the assassination, and, that being the case, he must have received instructions from someone else; it is feared that he might be a convenient scapegoat used to facilitate the closure of the case without achieving a satisfactory settlement;
 - For the family of Ms. Galina Starovoitova, justice requires the identification and punishment of the ultimate mastermind(s); the family and their lawyers will continue doing everything possible to ensure that the investigation continues until justice has been achieved,
1. *Thanks* the parliamentary authorities, the Prosecutor General's Office, the sister of Ms. Galina Starovoitova and her lawyer for their cooperation and for the valuable information provided;
 2. *Acknowledges* the relentless efforts and renewed commitment of the Russian authorities to ensure full accountability for the assassination of Ms. Galina Starovoitova and *notes with satisfaction* that the investigation is still ongoing and that the representative of the Prosecutor General's Office has confirmed that it will remain open until light is fully shed on all the masterminds of the crime;
 3. *Expresses the hope* that evidence will soon be found to support further progress in the investigation, in particular towards the identification of the mastermind(s);
 4. *Notes with interest* that the State Duma is kept informed of new developments in the investigation by the Prosecutor General's Office; *regrets* that cooperation with the parliamentary authorities was not forthcoming for the past five years and *welcomes* the State Duma's offer to start a new dialogue with the Committee; *wishes* to know if the anti-corruption and security committee of the State Duma currently continues to monitor the case and to be kept regularly apprised, by the parliamentary authorities and by the Prosecutor General's Office, of the status of the investigation in the future, in particular if and when new suspects are charged, tried and convicted;
 5. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the Prosecutor General's Office, the complainant and any third party likely to be in a position to supply relevant information;
 6. *Requests* the Committee to continue examining this case and to report back to it in due course.