

ACAT, in collaboration with The Committee against Torture & The Public Verdict Foundation



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# THE MULTIPLE FACES OF TORTURE

A STUDY OF THE PHENOMENON OF TORTURE IN RUSSIA

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This document was produced with the financial assistance of the European Union. The contents of this document are the sole responsibility of ACAT-France, and under no circumstance may they be deemed to reflect the position of the European Union.

## Summary

In the Russian Federation, the torture phenomenon is today commonplace and deeply rooted in the State institutions. The use of torture and ill-treatment can be observed at all stages of the criminal justice system, from arrest by the police to the life of convicts in penitentiary facilities.

Torture is systemic in the country's police institutions. It is widely used in police custody against individuals who have been arrested or, rightly or wrongly, are suspected of an offence. Its purpose is to quickly secure confessions as part of a wider criminal justice system that is driven by statistics and built on the quest for the highest possible number of convictions. It would appear that police reform in Russia, anticipated by many, is a development that so far remains largely incomplete.

In the prison system, the torture phenomenon can be linked both to detention conditions – overcrowding, access to health care and work conditions – and acts deliberately inflicted on detainees by the prison authorities, especially in certain regions and facilities. Responsibility for torture carried out in detention either falls to the administration – arbitrary disciplinary sanctions, punitive operations carried out by special units, and access to care deliberately denied – or to fellow detainees acting at the instigation or with the consent of the penitentiary authorities. Chechnyan detainees in Russian prisons are subjected to specific acts of torture and discrimination.

In the Chechen Republic, torture and ill-treatment continue to be practised on a massive scale, mainly for the purposes of securing confessions, but also before killing a person who will be presented afterwards as an insurgent executed during a special operation. Especially targeted are young men suspected of supporting or sympathising with the rebel fighters. The Chechnyan police force is primarily responsible for such acts. Levels of impunity are high and the Republic appears to be a largely lawless zone.

Despite several recent reforms, torture victims encounter major difficulties in seeking justice from the Russian courts. They run up against a flawed judicial system the refusal to launch investigations into police violence or have to face the near absence of any legal recourse within the prison system. Torture investigations in Chechnya are totally blocked, and victims who file a complaint are often threatened. A minority of cases are judged in court, but the sentences handed down do not necessarily reflect the seriousness of the acts committed.

This state of affairs is made possible by a legal framework that is defective and regularly flouted. The absence of a clear definition of torture acts as an obstacle to recognition of the torture phenomenon, and even where legal guarantees against torture exist to protect those deprived of their liberty, they are not put into force. Some individuals are also illegally returned to countries where they are at risk of torture, or even abducted from the street, but none of the authorities express any concern for such grave violations.

Several human rights organisations have shown remarkable tenacity in preventing torture and fighting against the impunity associated with this phenomenon. Despite some success and undeniable progress made, in particular steps towards lifting the veil of silence on torture in Russia, a great many legal and political obstacles remain; these were aggravated by the recent repeated attacks against NGOs.



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Map Sources: Europa Technologies, UNCS.

*The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations. Map created in July 2012.*

Map provided courtesy of the UN Office for the Coordination of Humanitarian Affairs.



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## Foreword

This report provides an assessment of the torture phenomenon in contemporary Russia's police and penitentiary institutions. Although not exhaustive, it highlights the objectives, methods and primary causes of this phenomenon which allow such practices to continue. It studies the reforms put forward by the government and the administration's repeated failure to act in a way that would prevent this scourge. It provides analysis of the obstacles facing investigative and judicial procedures and which favour impunity, and examines the work being carried out by civil society in an effort to prevent and fight against torture.

This work is the product of analysis carried out using information and testimony gathered between 2011 and March 2013 by Christine Laroque, Director of ACAT's Asia-Russia Programme, and Anne Le Huérou, a lecturer at Université Paris-Ouest Nanterre La Défense-CRPM and associate researcher at the CERCEC (EHESS/CNRS). The authors went on an investigative mission to Russia in September-October 2011, travelling to Moscow, Nizhny Novgorod, Yekaterinburg (Sverdlovsk region) and the Mari-El Republic. They also travelled to Chechnya to document torture practices in this Republic, which continues to suffer from high levels of violence despite projecting an image of stability.

As part of this mission, the delegates met with torture victims, their families, former detainees, human rights defenders who specialise in the fight against torture, lawyers, doctors and psychologists, as well as several members from the country's public oversight commissions, which are responsible for monitoring detention facilities. They were also able to meet with several representatives from various institutions and the State, in particular the penitentiary authorities, members of the Civic Chamber and human rights ombudsmen. Finally, they visited several detention facilities in Moscow, including the Butyrka pre-trial detention centre (SIZO), the custodial facility (IVS) at the police headquarters in Petrovka street, and a district police station. The delegation's request to visit detention centres in other regions was not granted. The information gathered during the course of this mission was later supplemented with research and regular interviews with human rights defenders, torture victims and their families, as well as observations made during visits to other cities in 2012 and early 2013.

The report does not address torture carried out within military or psychiatric institutions, although this is a very real and significant problem that is being monitored by several organisations, such as those run by the mothers of soldiers affected by the abuses carried out within the military. We chose to focus on gathering testimony and determining the facts about custodial centres controlled by the police and the penitentiary authorities.

For reasons of security and confidentiality, the names of some of our sources have not been provided. Names and terms adopted from the Cyrillic alphabet are transcribed phonetically in English. Readers will find an index at the beginning of the report detailing the main acronyms used.

This work was carried out as part of a project financed by the European Commission entitled "Strengthening investigation, information, alert and follow-up systems in torture and ill-treatment cases".

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# Abbreviations

**ECTHR** - European Court of Human Rights

**Shizo** - *Shtrafny izolyator*  
Solitary confinement cell, dungeon

**CPT** - European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

**FSB** - *Federal'naya sluzhba bezopasnosti*  
Federal security service

**FSIN** - *Federalnaya sluzhba ispolneniya nakazany*  
Federal penitentiary service

**IVS** - *Izolyator vremennogo sodержaniya*  
Temporary confinement or provisional detention cell run by the police

**MVD** - *Ministerstvo vnutrennikh del*  
Ministry of the Interior

**NVF** - *Nezakonnye vooruzhenniye formirovaniya*  
Illegal armed forces

**SCO** - Shanghai Cooperation Organisation

**OMON** - *Otryad militsii osobogo naznacheniya*  
Special security services

**ONK** - *Obchtchestvennye Nabludatel'nye Komissii*  
Public Oversight Commission of places of detention

**SIZO** - *Sledstvennyi izolyator*  
Pre-trial detention centre

**SKR** - *Sledstvennyi Komitet Rossii*  
Russian investigative committee

**SMG** - *Svodnaya Mobilnaya Grupa*  
Joint mobile group made up of Russian human rights defenders investigating cases of torture, enforced disappearances and serious human rights violations in Chechnya.

# TORTURE AND ILL-TREATMENTS

Before analysing the phenomenon of torture itself, the definition of acts which can be classed as torture and those classed as cruel, inhuman or degrading treatment or punishment should be clearly set out. The distinction is not always easy in practice, such as for example in the case of police violence, beatings and blows received during arrest or detention. Depending on the circumstances surrounding a given act, it will be classed as torture or cruel, inhuman or degrading treatment or punishment.

## Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984.

For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Using the dynamic interpretation of the act of torture retained both by international human rights organisations and the jurisprudence of the European Court of Human Rights\*, torture supposes the confluence of four constitutive elements.

The first rests on an act or omission causing severe physical or mental pain for the victim. The second element relates to the intentionality of the author. Mere negligence is therefore dismissed at this stage. The third element focuses on the aim of the person responsible who might act for different reasons: to obtain a confession or information, to punish, intimidate, pressurise or discriminate (this list from the Convention against Torture is only indicative). Finally, the last element supposes that the person responsible acted with public authority. However, the State can be also held responsible for acts of torture committed by individuals acting in a private capacity when it is seen to have failed in its obligations to investigate and sanction.

The dividing line between torture and cruel, inhuman or degrading treatment or punishment rests both on the aim of the person responsible and the vulnerability of the victim. Further, the duration of the act, its physical and mental effect, the gender, age and state of health of the victim are also parameters to be taken into account.

In this report, use of the word torture for acts described by victims rests on a broad meaning of the word. *Torture* has been preferred to *ill-treatment* when victims' accounts refer to a struggle with law enforcement agencies when they had been arrested, handcuffed or injured and subject to beatings and insults, particularly to discriminate against them. Similarly, the word *torture* has been retained for particularly serious cases – blows with sharp instruments, deprivation of medical treatment or food, repeated burns – where it was used to extort confessions from victims, punish them or humiliate them. In this report, use of the word torture is therefore in line with the dynamic interpretation made in international texts, in view of our increasingly low threshold of tolerance as regards certain acts which were previously classed as cruel, inhuman or degrading treatment or punishment but are now seen to be torture\*\*.

In order to facilitate reading of the report, the term *ill-treatment* has been used as a substitute for *cruel, inhuman or degrading treatment or punishment*.

\* *Interpretation of torture in the light of the practice and jurisprudence of international bodies*, UNVFVT, 2009. See also the International Committee of the Red Cross (ICRC) on torture and cruel, inhuman or degrading treatment or punishment inflicted on persons deprived of their liberty. Doctrine adopted by the ICRC Assembly Council on 9 June 2011, <http://www.icrc.org/fre/assets/files/review/2011/irrc-882-policy-torture-fre.pdf>

\*\* *The Selmouni vs. France affaire*, Application No. 25803/94, Judgment of 28 July 1999. "The Court has previously examined cases in which it concluded that there had been treatment which could only be described as torture (see the *Aksoy v. Turkey* judgment cited above, p. 2279, § 64, and the *Aydin v. Turkey* judgment cited above, pp. 1892-93, §§ 83-84 and 86). However, having regard to the fact that the Convention is a "living instrument which must be interpreted in the light of present-day conditions" (see, among other authorities, the following judgments: *Tyrer v. the United Kingdom*, 25 April 1978, Series A no. 26, p. 15, § 31; *Soering v. the United Kingdom*, cited above, p. 40, § 102; and *Loizidou v. Turkey*, 23 March 1995, Series A no. 310, p. 26, § 71), the Court considers that certain acts which were classified in the past as "inhuman and degrading treatment" as opposed to "torture" could be classified differently in future. It takes the view that the increasingly high standard being required in the area of the protection of human rights and fundamental liberties correspondingly and inevitably requires greater firmness in assessing breaches of the fundamental values of democratic societies."



# INTRODUCTION

The question of violence, torture and ill-treatment carried out or instigated by state officials has not seen such a prominent place in public debate since the end of the 2000s. This is especially true of questions relating to the police violence highlighted by a number of particular cases that considerably affected public opinion and received increasing levels of attention from journalists. Such media coverage in the public domain has given a voice to individuals and organisations which for years had been addressing these problems in a climate of relative indifference, and served to trigger the announcement of police reforms by President Medvedev. While cases such as that of Sergei Nazarov, who died after being tortured in a police station in Kazan in March 2012, or that of the Kopeisk prison riots (Chelyabinsk region) in November 2012, are far from being isolated events, they are different in that they have provoked reactions up to the highest institutional level, primarily on forums and informal social networks.

The police reforms, which have been awaited but much criticised, and the ongoing prison reforms are issues that indicate the significance of problems relating to torture and ill-treatment. Similarly, the reform since 2007 of the federal criminal investigation body, that led to the creation of an Investigation Committee, distinct from the Prosecutor office, has been met with great hope to set up independent investigations in torture and ill treatment cases.

The creation of public oversight commissions across Russia (ONK), in 2009, was an important step in raising awareness about the situation in custodial centres, even though in many cases investigations are only carried out after torture and ill-treatment are committed. The best-known example is the case of Sergei Magnitsky, a legal expert who worked for an American investment advisory firm and whose death in a pre-trial detention centre in Moscow in November 2009 was met with widespread consternation and followed up by an in-depth enquiry led by Moscow's public oversight commission. One of the commission members, the journalist Zoya Svetova, provided a detailed account of the enquiry in a book entitled *Finding the Innocent Guilty*, which focuses on the judicial system in Russia. Her exposure of these actions and of their systemic nature made the wider public aware of the scale of the judicial system's failings, of which police and prison violence is a central aspect.

In society more generally, the appetite for reforms and modernisation during the Medvedev presidency (2008-2012) gave hope to the new urban middle classes, whose material and social ascendancy had been ensured during the first two terms in office of President Vladimir Putin. It is this segment of the population, which constitutes an active minority, which spoke out against the fraudulent parliamentary elections in December 2011, leading to a large-scale protest movement not seen since the perestroika period. While it is clear that a certain portion of Russian society has been politicised in a lasting way by this movement, it quickly became evident that it would not lead to political change.

Since the re-election of Putin in March 2012, crackdowns have intensified on several categories of activists and organizations subjected to legal proceedings. Are affected in particular the leaders of the political opposition and those who took part in the Bolotnaya Square protest on 6 May 2012, which degenerated into violent clashes with the police and resulted in charges being brought against many protesters who today risk facing prison sentences; and lastly NGOs, which have been the target of a campaign to discredit them in the eyes of the public by depicting their activities as the work of foreign agents, thereby depriving them of financing. These include organisations which for years have played a very active role in fighting torture and ill-treatment with renowned expertise and which have provided much of the information contained in this report. More than ever, they need the support of European civil society.



# CHAPTER 1

## THE TORTURE PHENOMENON: SYSTEMIC PRACTICES

“It’s okay to torture a criminal, he deserves it.” This comment was made to an ACAT representative by the brother of a young man who had been violently tortured and is now paralysed for life. Unfortunately, the view he expresses is not an isolated one. The torture phenomenon has become commonplace. The use of torture can be observed across the country and at all stages of the criminal justice system, from arrests by the police to the life of convicts in penitentiary facilities. This chapter analyses the causes, objectives and methods of this phenomenon in police and penitentiary institutions. It studies the reforms put forward by the government and the repeated failures of the administration to act in a way that would prevent this scourge.

In Chechnya, the use of torture is widespread as soon as individuals are deprived of their liberty. Because of the particular case of this Republic, we have decided to address it in a separate section

### I. TORTURE IN POLICE INSTITUTIONS

The use of torture and ill-treatment by police officers when carrying out their duties is very common in Russia. Today it is regularly denounced, including by the authorities themselves, yet in the vast majority of cases it is a practice that forms part of the “ordinary” and everyday activities of the police force and is at the heart of the criminal justice system. Some groups in society are especially targeted by this abuse and are regularly exposed to certain situations. Nonetheless, any individual can one day fall victim to the arbitrary nature of police violence.

#### A. STRUCTURAL PROBLEMS WITHIN THE POLICE FORCE

The Russian police is placed under the authority of the Ministry of the Interior, or MVD (*Ministerstvo vnutrennikh del*). Renamed *politsia* at the time of the March 2011 reforms – up to which time it had been referred to as *militzia* –, it is made up of several departments including one that is responsible for public safety, which covers neighbourhood police units, as well as the special security forces (OMON) and the criminal police. It also includes militarised units (interior forces, or VV), which intervene in place of or alongside the army as part of military or anti-terrorist operations such as in Chechnya. There are other specialist units such as the department which fights extremism, commonly referred to as Centre-E and set up in 2008 to take over from the former department with responsibility for fighting organised crime<sup>1</sup>.

#### › Massive human resources

While it is impossible to determine the exact number of Russian police officers, both because of the secrecy surrounding this institution and the difficulty of distinguishing members of the regular police force from staff at the MVD, the figure is generally thought to be around one million. The rate of police recruitment in terms of the population is one of the highest in the world, as pointed out by criminologist Yakov Gilinsky: “In 2010, there were 975 police officers for every 100,000 inhabitants, compared to 350-500 in European countries”.<sup>2</sup> One of the main effects of the March 2011 reforms was to reduce these numbers by 20 %.

1. See the description of this department provided on the website of the Interior Ministry: [www.mvd.ru/mvd/structure/unit/extrim/](http://www.mvd.ru/mvd/structure/unit/extrim/)

2. Yakov Gilinsky, ‘The Russian Police, Yesterday, Today, Tomorrow’ (March 2011): <http://russiaviolence.hypotheses.org/1384>.

### > Endemic corruption

The institutional, social and economic upheaval that followed the collapse of the Soviet Union placed the Russian police in a profound crisis which has been much written about by experts and often denounced by human rights defenders for more than 20 years.

A lack of professionalism, corruption, and endemic alcoholism are among the ills most often highlighted. The training provided to junior staff members is of poor quality, while the higher level of training intended for future officers, especially legal training, is often taken by people who do not end up in the police force. Many of the most qualified officers turned their attention to the business world or the private security sector, a major market that opened up at the beginning of the 1990s. The flagrant lack of resources in that decade worsened the crisis and led to a widespread climate of defiance on the part of civilians towards police officers and police institutions generally. Corruption continues to rot the police force from the inside out. It is difficult to keep track of the number of cases involving police officers at all levels: bribes paid out at roadside checks, well-established networks connected to organised crime, and high-ranking officers described as “werewolves in uniform”, even by their own superiors.

### > The redeployment of veterans from the Chechen war, a factor of violence

In the 2000s, a new contributory factor in the violence emerged as veteran police officers from the Chechen war were redeployed to public security and criminal police units. They were affected by the violence that they carried out or themselves suffered, and may now find themselves afflicted by a post-traumatic stress disorder known as the “Chechen syndrome”. The use of torture is “facilitated” by a combination of two forms of violence: one that relates to their “professional” responsibilities (orders from superiors, statistics-driven policies, etc.); and another that sees them act on the basis of their experience of operations carried out in Chechnya.

This situation has led to many instances of individual or collective violence. In 2005, for example, a regular operation to crack down on delinquency, being led by OMON members who had returned from Chechnya to Blagoveshchensk (Republic of Bashkortostan), turned to a wider “cleansing” operation with hundreds of people illegally detained and beaten for a period of 48 hours. Near Sochi in 2006, an altercation in a cafe resulted in a punitive mission led by OMON officers in a holiday camp: 23 youths including 3 minors were subjected to violence, and electric shocks in particular, by police officers. The officers involved received various prison sentences for aggravated abuse of power (Article 286 (3) of the Criminal Code).<sup>3</sup> The “Chechen syndrome” can also be seen in the individual and everyday behaviour of police officers.<sup>4</sup> Representatives from visible minorities, especially those from the North Caucasus, can be particularly affected by such violence.

## B. THE MANY MOTIVATIONS BEHIND TORTURE

### SECURING A CONFESSION AT ALL COSTS: TORTURE AS AN INVESTIGATIVE POLICE METHOD

Beyond such explanatory factors related to the personal history of individual officers, the way in which they socialise, or their experience of violence during war, most acts of torture and ill-treatment can be directly traced back to the way in which police work is structured, and especially the need to secure a confession at all costs.<sup>5</sup> Statistics-driven policies and the need for results constitute an over-arching framework that generally steers the behaviour of police officers towards the search for actual or supposed culprits of real or imaginary crimes or other offences, depending on the scenario.

### > “Operational conversations”: an illegal form of interrogation particularly conducive to torture

The conditions under which torture and ill-treatment take place can exist at all stages of police intervention, from an arrest in a public place or at a suspect’s home, to the interrogation led by investigators. However, some stages favour the use of torture more than others.

This is true of “operational conversations” (*operativni besedi*). These are frequently used prior to the legal interrogation and police custody (or sometimes even replace them) in an effort to extract information or a statement. These conversations are particularly conducive to acts of torture carried out in order to secure signed

3. Русский ЮГ. Второй Благовещенск в Сочи (July 2006): <http://www.russ-yug.ru/article/2092/>; Lenta.ru, Милицейская зачистка в сочинской здравнице признана произволом (July 2006): <http://lenta.ru/news/2006/07/27/soch/>; svoboda.org, Избиение детей в Сочи может быть последствием «чеченского синдрома» (July 2006): <http://www.svoboda.org/content/article/165194.html>.

4. Sociologists who carried out an enquiry involving police officers from five Russian regions following their return from Chechnya have described this syndrome in their study: see Public Verdict, Милиция между Россией и Чечней- Ветераны конфликта в российском обществе (2007): [http://publicverdict.ru/articles\\_images/9953\\_56289\\_veterans.pdf](http://publicverdict.ru/articles_images/9953_56289_veterans.pdf).

5. The organisation Public Verdict decided to dedicate a whole section of its website to the issue of torture as part of the investigative process: <http://publicverdict.ru/topics/stories/7462.html>



confessions that are later included in the file brought before the public prosecutor. Police officers consider this method to be a reliable way of ensuring a prompt and effective procedure.

Although completely illegal, torture is often carried out in the presence of superior officers or lawyers, as revealed by the testimony of one victim interviewed by ACAT: “Two big tall men entered the office around midnight, one of whom was a police captain. He told me the lawyer was on his way and that if I didn’t sign the confession in his presence, I would be brought into the forest and killed”. When a lawyer did show up, this served only to make the signing of confessions obtained under torture more likely and more official: “Around 1 am, a lawyer arrived and said hello to all the police officers. He just asked me to sign their document. So I signed the confession”.

Once a confession has been signed, the criminal judicial procedure can begin. Victims of torture and ill-treatment are sometimes released while awaiting trial; they are not always placed in a SIZO (*Sledstvennyj Izolyator*), which means that the medical examination, that would reveal any traces of torture inflicted at an earlier stage, can be avoided.

### › Self-incrimination as a way of resolving criminal cases

Torture is primarily used to secure confessions in order to resolve ongoing cases. Two witnesses told ACAT about their arrest and the abuses they suffered while in detention. They were arrested as part of an investigation into an arson attack on the dacha of a businessman from the city of Arzamas (Nizhny Novgorod) in an attempt to extort money from them. One of the victims, who was arrested at his home on 30 September 2010 and immediately transferred to the Arzamas police station, recounted the following: “I was made to sit down in a room at the police station. My hands were handcuffed behind my back and had 32 kg weights attached to them. [Four men] began to beat me all over. Then they asked me to sign a statement confessing that I had burned the *dacha* of an oligarch from the region and that I had stolen 1.5 million roubles from him”. He then explains that a female officer came into the room. Far from interrupting the violence, both her behaviour and her silence made her complicit: “The others continued to beat me in her presence. They also crushed my fingers. [...] I could hear from the room next door that they were also beating S. Three of them even tried to rape me. [...] On 2 October at 12 pm, I was brought before a judge who ordered my release but prohibited me from leaving the city. In front of the judge and in the presence of the female officer and the lawyer, I said that I had only signed the confession because I had been tortured. As I left the court, I began to vomit and an ambulance brought me to the local emergency unit (*travmpunkt*). The doctors recorded the signs of the beating and transferred me to hospital.”

### › Driven by statistics

Following statistics-driven policies and in carrying out operations ordered by their superiors, police officers target certain categories by framing them for crimes or minor offences, even where these are made up. Migrants are particularly favoured by police officers as their administrative situation and supposed absence of any ties make them especially vulnerable. A typical example is that of operations led against illegal immigration, known as “nelegalnyi migrant”, which are designed to arrest as many people as possible in breach of residency laws.

### › Settling scores

The use of torture to “produce culprits” can also be observed in the context of cases involving corruption and insider influence. The objective might be to remove a competitor and seize his assets by having him arrested on the strength of connections in the political world, police force or judiciary. These practices are regularly detailed and denounced as “black raids” (*cherno rayderstvo*). A young entrepreneur from the automobile sector, Vladimir Osechkin, fell victim. He was accused and incarcerated for embezzling funds and subjected to harassment and ill-treatment while in detention (see the section on torture in custodial facilities below). The mayor of Ozerki (*Moscow region*) and the public prosecutor who had brought the case before the courts have since been arrested and convicted in several corruption cases.<sup>6</sup> Those who oppose such practices are themselves subjected to them: anyone who reports an instance of corruption involving police officers who have colluded with rival entrepreneurs or local administrative authorities may themselves be accused and tortured as part of a case entirely fabricated by the police.

6. svoboda.org, Предприниматель Владимир Осечкин - о сайте Gulagu.net (August 2011): <http://www.svoboda.org/content/article/24302234.html>.

### › Securing information as part of the fight against terrorism

Another particular case is that of operations led as part of the fight against terrorism, which particularly affects those from the North Caucasus. In recent years, several individuals have been subjected to torture as part of anti-terrorist operations led outside of the North Caucasus. One example is Farid Eldarov, a young man from Dagestan who was arrested on 7 March 2012 at a friend's house in the Moscow area where he had spent the night. He was brought to the Khimki pre-trial detention centre (IVS), where he was beaten extensively in an effort to obtain information about his friend, who was also from the Caucasus and suspected of belonging to the Islamist rebellion. Police officers ripped out half of his fingernails, twisted his hands and feet, tied him to the wall with a knot around his neck, and threatened to rape him with a truncheon. One of the officers kept repeating "we're going to make you love the Russians".<sup>7</sup> Eldarov was forced to sign a confession and was indicted for participating in terrorist activities.

It should be said that such practices are not systematic, nor do they apply to all police stations or all police officers. Their scale depends to a large extent on local context, levels of responsibility within the hierarchy and of individual responsibility among police officers. However, the consent and even encouragement of senior officers intent above all on securing good results, based on the number of cases that lead to charges and ultimately a conviction, and who turn a blind eye to such practices as long as there is no threat of sanctions from above, favour the current state of affairs.

It should be also highlighted that, according to data from the Nijni Novgorod Committee against Torture, around 30% of cases torture or ill-treatments committed by police are not motivated by a specific purpose, but are a direct reaction to a behaviour that doesn't please a police officer, as for instance, when the latter is requested with insistence to show his police ID card.

### RACISM, ILL-TREATMENT AND TORTURE AGAINST MIGRANTS

Racist motivations often lie behind acts of intimidation, violence, torture or ill-treatment. The story of Umid N., an Uzbek citizen living in Saint Petersburg, is a case in point. He was arrested in May 2011 and brought to a police station. He later described the treatment inflicted upon him by the police officer: "He spat on me, beat me and told me 'You'll never speak Uzbek again'. He threw himself at me and started to punch me in the face with both fists... He was out of control like a wild animal... He beat me, spat on me and I fell to the ground. He continued to beat me with his hands and feet. [...] I was like a live punching bag. [...] That lasted two hours. Occasionally he would stop to take a break, smoke a cigarette and spit before starting to beat me again... 'You are an Uzbek and I hate you!' he would say... The worst thing was the spitting. He wouldn't stop spitting on me."<sup>8</sup> Umid was placed in emergency hospital care after paying a fine and leaving the police station. An administrative enquiry was carried out into the police officer's actions, but no disciplinary or judiciary measures were taken.

The human rights NGO Anti-Discrimination Center Memorial has documented a great many cases of intimidation, torture and ill-treatment, abductions for the purposes of forced labour, and police violence against migrants as well as Roma.<sup>9</sup> For example, several Tajik citizens filed complaints in February 2011 of illegal and repeated acts of violence on the part of police officers from Saint Petersburg between 2009 and 2011. They were arrested in front of the shop by a police officer, searched, handcuffed and placed in a car before being driven to a petrol station nearby where other men were waiting for them. Their money and mobile phones were taken from them and they were beaten following orders from the police officer. They were told they would be killed if they tried to file a complaint. One of the victims, Nasimjon, says he was beaten for a whole day at the petrol station before being placed in a car and driven to Finland, where he was sold to a group of men for 10,000 roubles (€ 250) and subjected to forced labour.<sup>10</sup>

7. RFI, 'Les cas de tortures se multiplient dans la région russe de Kazan' (March 2012): <http://www.rfi.fr/europe/20120320-cas-tortures-multiplient-region-russe-kazan>; Центр общественной информации, «Мы заставим тебя любить русских!» Еще раз о пытках в системе МВД (March 2012): <http://newspri.wmtest.ru/2012/03/20/20230>.

8. Anti Discrimination Center Memorial, Roma, Migrants, Activists: Victims of Police Abuse, p. 31 (2012):

[http://www2.ohchr.org/english/bodies/cat/docs/ngos/FIDH\\_RussianFederation\\_CAT49.pdf](http://www2.ohchr.org/english/bodies/cat/docs/ngos/FIDH_RussianFederation_CAT49.pdf).

9. *Ibid.*

10. *Ibid.*

## REPRESSION AGAINST POLITICAL OPPOSITION GROUPS

Since the second half of the 2000s, the Russian regime has heightened its repression of the political opposition, notably through the excessive and recurring use of force to maintain law and order.

There have been many reports of ill-treatment against protesters arrested for no reason during the major demonstrations that took place in the winter of 2011 and spring of 2012. Nikolai Nikolaev is one of them. This member of the United Civil Front was arrested by several men claiming to represent the FSB while he was sitting in a cafe following the breakup of a demonstration in late January 2012. He was beaten in the street and then dragged into a car, where he was beaten once again. Witnesses photographed and filmed the scene. Despite all of his efforts, he has been unable to have an investigation opened. Acts of mass violence against demonstrators were also recorded during the opposition protest held on 6 May 2012, the day of Vladimir Putin's presidential inauguration.

Targeted acts of repression, in some cases very harsh, are also carried out against members of the opposition, especially within anarchist and anti-fascists circles. These are mainly the work of the department with responsibility for fighting extremism, Centre-E. The use of violence during arrests, searches and in police detention is also particularly widespread in some regions. The city of Nizhny Novgorod regularly attracts media attention for this reason.<sup>11</sup>

Albert Gaynutdinov, a young anti-fascist from the movement RASH, was arrested by Centre-E and tortured on 19 January 2010 in an effort to extract the organisation's passwords from him as well as information about other members of the group and their activities.

In Saint Petersburg, Filip Kostenko, an activist belonging to various opposition movements and an employee of Anti-Discrimination Center Memorial, was beaten in a deserted street by police officers from Centre-E on 3 February 2012 as he was on his way to the office. After the beating, he was able to return home and call for an ambulance. Police officers showed up at his house before the ambulance arrived and tried to force him to sign a document in which he agreed not to file a complaint. He subsequently received threatening emails from the head of Centre-E.

Another opposition activist, Leonid Razvozhayev, claims to have been abducted and tortured. When he was charged for preparing to organise mass disruptions in October 2012, he fled to Ukraine to seek asylum. According to his testimony, four men dressed in plain clothes abducted him in the street in front of the offices of the United Nations High Commissioner for Refugees (HCR) in Kiev, placed a mask over his head and threw him into the back of a van. He was secretly rendered to Russia, where he spent three days in a basement chained up and deprived of food and access to toilet facilities. He claims to have been subjected to intense psychological pressure in order to secure a "confession", including threats to his own life and those of his wife and children, and the threat of an injection with a substance that would cause him to lose all of his intellectual capacities.<sup>12</sup> When he was placed in pre-trial detention in the Irkutsk region (Siberia), where according to his lawyer he was deliberately deprived of sleep<sup>13</sup>, several charges were brought against him and in mid-March 2013 he was transferred to a temporary detention centre in Moscow, where he was interrogated for making "deliberately false accusations"<sup>14</sup>.

## C. PRIMARY TORTURE METHODS

ACAT has met with experts on police torture as well as a doctor working for an association that provides assistance to victims of torture. They have regularly observed the same methods.

Ivan Kozlov was arrested as part of a murder investigation in Yoshkar-Ola (Mari-El Republic). One of his friends was found dead, and the police sought to identify him as the culprit in order to close the case quickly: "At the police station, the officers asked me if I was the one who had killed her. I didn't even know she was dead. Of course I said no. Then one of the officers threatened me: 'Oh, you don't feel like talking, we'll see about that!'" He left and returned with three other men. They tied my hands and ankles together using soft material so as not to leave any marks, then they threw me onto the ground lying face down. They beat my back, and when I told them to be careful of my knee as I had just undergone an operation, all three of them began to strike it and I felt excruciating pain. They kept asking 'Where is the knife?' Then they hung me from my arms on a bar that was being held in the area by two police officers. They threatened to take me into the forest, force me to dig

11. lenta.ru, 22 March 2012: Экстремисты из Нижнего, <http://lenta.ru/articles/2012/03/22/antifarash/>.

12. ACAT France, urgent appeal 44, 29 October 2012: 'Russie, un opposant russe enlevé en Ukraine, torturé et incarcéré en Russie':

[http://www.acatfrance.fr/appeL\\_urgent\\_detail.php?archive=ok&id=429](http://www.acatfrance.fr/appeL_urgent_detail.php?archive=ok&id=429); see also: RFI, 24 October 2012: <http://www.rfi.fr/europe/20121024-opposant-russe-enleve-ukraine-raconte-seances-torture-leonid-razvozhayev>.

13. Radio Free Europe/Radio Liberty, 15 January 2013: 'Jailed Russian Activist's Lawyer Says Client Deprived Of Sleep':

<http://www.rferl.org/content/russia-activist-leonid-razvozhayev/24824305.html>.

14. gazeta.ru, 18 March 2013: СК подтверждает: Развожаева привезли из Иркутска в Москву, чтобы допросить; он в СИЗО:

[http://www.gazeta.ru/politics/news/2013/03/18/n\\_2804781.shtml](http://www.gazeta.ru/politics/news/2013/03/18/n_2804781.shtml).

my own grave and kill me. They said: 'Then we're going to take you to the morgue and tie you to her and her decomposing body'. I understood they wanted to kill me and I was afraid. They put a gas mask over my face. They kept opening and closing the air valve to suffocate me. When my head began to spin and I started to lose consciousness, they would slap me to wake me up. I feared for my life and agreed to write down whatever they told me. I tried to repeat what they said. They continued to beat me and suffocate me using the gas mask, especially when I didn't want to write down one of the acts they were dictating. Then they put a rope around my neck and strangled me. They were drunk. In the end I refused to write anything. They sat me cross-legged with my hands behind my back. They covered my head and beat it using books. Throughout this ordeal, at least nine people were present, but only four participated in the beating." Ivan Kozlov was subjected to this treatment from 6 pm to 6 am the next morning, when a lawyer appointed by his sister managed to intervene and secure his release. He was hospitalised for a month because of his injuries.

The most common torture methods used are kicking, punching or blows using objects, for example plastic bottles filled with water used to beat the kidneys or other internal organs, leaving few traces. Strangling and attempted suffocation, in particular with a plastic bag placed over the head or a gas mask placed over the face with the air valve deliberately blocked, are also used. Electric shocks are sometimes inflicted upon victims, especially in Chechnya where this is a widespread practice.<sup>15</sup> Torture by electric shocks has recently increased. It is widely known as "a phone call to Putin" as the cord of old landline phone is used. Shocks are administered to the genital organ or the earlobes.

Sexual violence is perpetrated against both men and women, as in March 2012, when Sergei Nazarov died in police custody, having been sodomised with a champagne bottle by police officers from Dalny station in Kazan. This case lifted the lid on such practices and revealed the repeated use of sexual abuse in certain police stations. Other victims have provided testimony of similar acts at the same station. Oskar Krylov, a 22-year-old IT technician, was accused of a rape that he had not committed after being sodomised with a pen and later a bottle by the same team of police officers in October 2011. "When they pulled my trousers down, I screamed that I would sign whatever they wanted, but they replied that it was too late and that I should have agreed when they asked me nicely", he says.<sup>16</sup> Psychological pressure can also be used, including threats of rape or execution and threats against loved ones.

In some circumstances, officers are willing to torture their victims until they succumb. Alexei Yakimov was left in a river for dead having been tortured in the isolated office of a police station: "They searched me from top to bottom. When they got to my ankles, they pulled suddenly at my feet, leaving me in a semi-horizontal position. My shoulders dislocated and my elbow cracked. I fainted with the pain. [...] They woke me up. Then they began to kick me, alternating each kick with a question, then a kick, then a question, then a kick. They rained blows down on me and I lost consciousness. [...] Then they got a plastic bag and put it over my head. They tightened it around my neck. I reacted by tearing the bag with my teeth. They saw what I had done and got more bags. I managed to pierce each bag until they found one that was more robust. I had no strength left and fainted. At one point, I heard them say it was almost 5 am and that they would soon be relieved. I made a mistake: I told them that I would file a complaint and they replied that I wouldn't get out alive." The police officers then decided to put him in an unmarked car and drive him to a river where they would allow him to drown: "We headed towards the river, the Volga, to a place where no one is ever around and the river is never frozen. They knew the way and knew exactly where they were going. [...] They put me sitting on a concrete section of the bank and pushed me, half unconscious, into a sort of pool 2 m deep. I fell into the water with my hands handcuffed behind my back. One of the men noticed that he had forgotten his handcuffs. They came back, pulled me out of the water, took off the handcuffs and pushed me back in. This time the water woke me up and I managed to hang on to the edge without them seeing me. I waited for them to leave and pulled myself out of the water."

Several accounts also reveal that the police officers involved are often drunk at the time of their acts or drink freely in order to bring themselves to administer the blows. Alexei Yakimov explains how the officers drank throughout his torture ordeal. Whenever he fainted as a result of the beatings, the officers would wake him up by pouring beer over his head. Another victim interviewed by ACAT told us that "guys who were obviously working for M. [a businessman who wanted to pin the responsibility on the victim] arrived late in the evening with beers for the police officers. The officers, who were completely drunk, beat the victim even harder after that". Nikolaev, who was arrested in the Avtozavodskyyi district of Nizhny Novgorod, a working-class area with a bad reputation both for its crime rates and the behaviour of the police, was repeatedly beaten by several police officers who wanted him to confess to stealing a bicycle. The officers were so drunk that they ended up falling asleep, allowing him to escape and report the incident.

15. See Chapter 1, III, Torture practices in Chechnya, p. 34

16. Libération, 'Les tortures ordinaires de la police tatar' (April 2012): [http://www.liberation.fr/monde/2012/04/22/les-tortures-ordinaires-de-la-police-tatare\\_813520](http://www.liberation.fr/monde/2012/04/22/les-tortures-ordinaires-de-la-police-tatare_813520).

## D. ILL-TREATMENT AND DETENTION CONDITIONS IN POLICE CUSTODY

The conditions of detention under police custody in IVS facilities can themselves constitute ill-treatment. There is a legal limit of 48 hours on police custody (72 in the case of serious crimes), but individuals may be detained for as long as 14 days while waiting to be transferred to another region. This situation is made all the more unacceptable by the fact that the physical detention conditions are often inadequate: insufficient cell sizes, overcrowding, hygiene and nutritional problems, access to care, etc.

As part of its mission, the ACAT delegation visited two very different IVS facilities in Moscow. The first was in the city's central police premises in Petrovka street. It is considered to be exemplary by members of the local public oversight commission (ONK), while in contrast several of the 11 IVSs in the capital have had to close for failing to comply with European norms. Grave doubts have nonetheless been raised about the size of the facility's cells, given the number of detainees. The delegation noted the presence of light-obscuring shutters on the windows of each cell. Most of the IVSs have removed this type of permanent shutter system as it makes cells very dark, prevents natural light from entering and can even hinder the circulation of fresh air. It also noted the state of disrepair of the cells and the poor hygiene standards, especially in the toilets.<sup>17</sup> The nurse pointed out that there was a chronic shortage of medication to treat detainees.

The second IVS visited by delegates was a modern structure built in 2008 in the Dorogomilova district (western Moscow), described as a "model" by the authorities. No detainees were present at the time of the visit. The facility includes one large cage (to be used for detentions of no more than three hours for administrative offences) and three large enclosed cells (for detentions of up to 48 hours). The delegation noted that the cage had no heating system and that the cells were very dark and without windows, with no more than one long bench on which to sit or lie down. The ONK members who were present, along with the ACAT delegation, were given access to the registry, which revealed an arrest procedure that could be compared to ethnic profiling. Of the 100 people arrested and detained at Dorogomilova police station over the course of the previous three days, 83 were migrants.<sup>18</sup> ACAT also observed a lack of transparency in relation to the medical examinations carried out in the IVS; this might allow cases of torture and ill-treatment to go unrecorded, especially when detainees are not transferred later to a pre-trial detention facility (SIZO), where the admission medical examinations could reveal torture caused during police custody.

## E. FAILED RUSSIAN POLICE REFORMS

After 2009, the question of police reforms returned to centre stage following several high-profile media stories and public scandals involving abuses and violence committed by the law enforcement authorities. In April 2009, the Evsyukov affair — which is indirectly linked to the problem of torture as it involved killings carried out by an off-duty police officer in a supermarket — kickstarted a political and media campaign in favour of police reforms, headed by former President Medvedev.<sup>19</sup>

These reforms, which came into force in March 2011, were intended to address the serious shortcomings of the police force. However, even before they were signed and having described the new legislation as historic, Medvedev recognised that it needed to be improved. This is a view shared by human rights organisations, which say they have seen no significant change in the work principles adopted by the law enforcement authorities. Many experts argue that this legislation has failed to meet the expectations or address the interests of the Russian people.

General principles relating to the rule of law were contained in the legislation, including the need to respect human rights and a ban on torture.<sup>20</sup> Yet according to Natalia Taubina, head of the NGO Public Verdict, which has closely analysed the police reforms, these principles have not been integrated into legal provisions, making them no more than a statement of intent without any prospect of seeing them applied in practice.<sup>21</sup>

The legislation also contains articles that are at odds with the criminal procedure code, as well as provisions written in an imprecise or vague manner. It stipulates for example that the police can use "special means"<sup>22</sup> (truncheons, gas, electroshock weapons, armoured cars, water cannons, etc.) and firearms<sup>23</sup> under various circumstances, although these provisions are insufficiently detailed. Concerns have also been raised about the

17. Visit conducted on 26 September 2011.

18. Visit conducted on 26 September 2011.

19. See the report on this issue published in the *Journal of Power Institutions in Post-Soviet Societies* (issue 13, 2012): <http://pipss.revues.org/3813>.

20. Article 5 para. 3 of Chapter 2 prohibits police officers from using torture, violence or other forms of cruel or degrading treatment. Officers must cease all activities that could inflict pain or physical or mental suffering on individuals.

21. Natalia Taubina, 'Experience of Russian NGOs in the protection of victims of police violence' (March 2011): <http://russiaviolence.hypotheses.org/1409>.

22. Article 21 of the legislation.

23. Article 23 of the legislation.

ambiguity of certain articles which might paradoxically favour corruption or abuse of power by the police.<sup>24</sup> The legislation also contains infringements of basic liberties, by providing for example that citizens can be summoned in order to verify their complaints and that their personal information can be accessed, including details of their bank account. Furthermore, it provides for virtually no public control over police activities.

The tangible effects of the legislation have mainly been to replace the name *militia* with *politsia*, an overall reduction in staff numbers by 20%, and the requirement that all police officers must resit an aptitude examination known as the *pereattestatsia*. However, the lack of transparency surrounding this examination, which is intended to eliminate corrupt officers or those inclined to act violently, has been widely denounced. Criticism of the reforms, in light of the hopes with which they were initially met in 2009 and 2010, have mainly focused on the failure to address the most flagrant problems that favour the use of torture, mainly the system used to evaluate police work based on results indicators (*palochnaya sistema*).

In the spring of 2012, two events brought the need for police reforms back to the fore: the appointment of a new Interior Minister, General Vladimir Kolokoltsev, the former police chief of Moscow, who himself described the first phase of the reforms as a failure<sup>25</sup>; and at the same time the Nazarov affair in Kazan, which scandalised the country as a whole.<sup>26</sup>

New reforms have since been introduced, the key measure being the creation of a special department within the Investigative Committee of Russia, the main body with responsibility for criminal affairs, with a mandate to investigate acts carried out by police officers.<sup>27</sup> However, this special new department has been slow to show its impartiality and effectiveness in investigating and bringing police officers guilty of torture to justice.<sup>28</sup> Furthermore, new provisions are currently being developed in order to put in place a new mechanism to investigate police activities internally; this would make it much easier to impose sanctions or even dismiss officers found guilty.<sup>29</sup> One of the main issues unresolved by the police reform is still the evaluation method of the police work. In spite of the numerous recommendations and experts' propositions, result-driven policies remain the main measure of police activity.

## II. TORTURE PRACTICES IN THE PRISON SYSTEM

The use of torture and ill-treatment continues to be widespread in Russia's prison facilities. The conditions of detention are a cause for concern across the country, although the situation varies considerably from one region to the next or within a given region.

NGOs have recorded an overall rise in the number of complaints and allegations of torture in recent years. The situation is thought to have worsened in particular in regions such as Chelyabinsk, Kemerovo, Karelia, Bashkortostan and in certain facilities in the Sverdlovsk and Tatarstan regions.

Problems are of a systemic nature in pre-trial detention centres (SIZOs). It is more difficult to document the situation in penitentiary facilities as they are enclosed and in removed locations. As highlighted by Valentin Bogdan from the NGO *Za prava Cheloveka* (For human rights), "It is very difficult to investigate and update information on abuses and torture carried out against detainees. Prison facilities are sealed off. Some prisoners have no contacts or networks and can be tortured for years without anyone knowing about it".

### A. DETENTION CONDITIONS: A CAUSE FOR CONCERN

Responsibility for the prisons falls to the federal penitentiary service (*Federalnaya sluzhba ispolneniya nakanazaniy* – FSIN), which reports to the Ministry for Justice. The entire territory of the Russian Federation contains around 900 penitentiary facilities (of all types) and 395 pre-trial detention centres (SIZOs), not including military prisons. Although these are spread out across the federal territory, many of them are concentrated in Siberia and near the Arctic Circle.

24. Analysis of the legislation by NGO Public Verdict, Аналитическая справка: Коррупциогенные нормы закона «О полиции» и риски произвольного применения норм закона (April 2011): <http://publicverdict.ru/topics/research/9270.html>.

25. Lenta.ru, 12 October 2012, Колокольцев признал провал первого этапа реформы МВД: <http://lenta.ru/news/2012/10/11/kolokoltsev>. His predecessor R. Nurgaliev had suggested "streamlining" the reforms: see [kommersant.ru, 14 April 2012, Рашид Нургалиев ждет оптимизации: http://kommersant.ru/doc/1916541](http://kommersant.ru/doc/1916541).

26. Russiaviolence.hypotheses.org, 26 March 2012, 'New Case of Police Violence in Kazan: a Turn in Hierarchy Reaction or Evidence of Police Reform Inefficiency?': <http://russiaviolence.hypotheses.org/1923>.

27. To find out more about the Investigative Committee, see Chapter 3. I, The challenge of filing a complaint and securing an investigation, p. 45

28. The first requests filed with this special department have led to criticism from the families of the victims and their supporters, as in the case of P. Chirikov, which has been followed by Public Verdict: <http://izvestia.ru/news/534865>.

29. Public Verdict, В МВД разъяснили, как проводить служебные проверки, 5 February 2013: <http://publicverdict.ru/topics/news/10854.html>.

According to official statistics, the prison population fell from 864,000 detainees in 2010 to 701,900 the end of 2012.<sup>30</sup> This drop in numbers reflects a policy to reduce the prison population. However, these are likely to be short-term measures with limited impact in the absence of any real reforms in penal policies. Despite the reduction, the rate of incarceration in Russia remains high, ranked 8<sup>th</sup> worldwide.<sup>31</sup> The dominant approach adopted in the judicial system is to deprive individuals of their liberty in the course of an investigation or while they await trial. Similarly, the country's penal policies favour a punitive approach that does not encourage the development of alternative sentences or steps towards the reinsertion of detainees.

Detainees awaiting trial are placed in pre-trial detention centres (SIZOs). There is a legal limit of 12 months on such detentions, yet it is common for this to be exceeded.

Convicts serve their sentence in penitentiary facilities. There are several different prison categories, each with its own detention regime and rules governing prison life. Minimum-security prisons house first-time offenders convicted of minor crimes, as well as inmates serving out the end of their sentence. In this type of facility, security measures and internal regulations are less strict. Detainees do not have to wear a uniform and are allowed greater freedom in their movements, although they have to spend the night on site.

Regular, high-security and special facilities are surrounded by an outer wall and have surveillance and security equipment. They are usually like walled communities with large buildings used to house detainees in units, as well as workshops, walking areas, a canteen, a library and an infirmary. The prisoners are required to wear uniforms. The specific regime of each detainee is in theory based on the seriousness of their crime and their tendency towards repeat offending. The stricter the regime, the stricter the internal regulations, with more hours spent locked up each day and restrictions on the right of detainees to receive letters, packages and visitors or to phone their loved ones.

Fewer than 5% of inmates are in a facility known as a "prison" (*tyurma*), the strictest of all units. Detainees are confined to their cells at all times except during allocated walking slots or to work, for those who are authorised to do so. In principle, these facilities house those convicted of the most serious crimes. Inmates from other facilities can also be transferred to these units as a disciplinary measure.

Although detention conditions vary from one location and from one region to another, across Russia they fall well short of the UN's standard minimum rules for the treatment of prisoners<sup>32</sup> and in some cases constitute cruel, inhuman or degrading treatment.

There are many material problems facing those in detention: overcrowding, problems accessing drinking water, inadequate nutrition in terms both of quantity and quality, medication shortages, sanitary and hygiene problems, lack of ventilation, heating or natural light, etc. The European Court of Human Rights (ECtHR) has condemned Russia on several occasions for detention conditions that fail to comply with Article 3 of the European Convention on Human Rights, which prohibits torture and cruel, inhuman or degrading treatment or punishment.<sup>33</sup>

### › Prison overcrowding

While there has been an overall drop in the prison population, overcrowding remains a significant problem. In 2012, the number of detainees in pre-trial detention in SIZOs increased by 1,500 to a total of 113,600, although in previous years it had fallen steadily by 10,000 per year.<sup>34</sup> Detainees in these facilities may be in individual or group cells. Group cells can contain from 2 to 30 beds. "At SIZO no. 1 in Yekaterinburg, I was in a 12 m<sup>2</sup> cell with anything from 12 to 20 other detainees but with just 12 beds. We had to take turns sleeping or lie top-to-tail. The others would stand around waiting for their turn to sleep." This testimony from a former detainee describes a recurring scenario.

The ECtHR has issued several rulings condemning Russia for maintaining detention facilities with overcrowded cells. In the case of *Idalov v Russia*, for example, the plaintiff was detained at Moscow's IZ-77/2 pre-trial detention facility for 23 hours a day in various overcrowded cells with at least 35 fellow detainees in each case and in appalling conditions (faulty ventilation system, passive exposure to tobacco smoke as a majority of the cell's occupants were smokers, daylight obscured by metal shutters that blocked the windows and prevented detainees from reading in the cell, and dirty cells infested with cockroaches, bed bugs and lice).

30. FSIN website: <http://www.fsin.su/structure/inspector/iao/statistika/Kratkaya%20har-ka%20UIS/>.

31. Between 2000 and 2010, Russia was ranked second after the United States. The rate of incarceration in Russia in 2012 stood at 498 inmates for every 100,000 inhabitants. It should be noted that European countries such as the United Kingdom, Spain and France have a much lower incarceration rate of between 100 and 150 inmates for every 100,000 inhabitants.

32. Standard Minimum Rules for the Treatment of Prisoners: <http://www.ohchr.org/Documents/ProfessionalInterest/treatmentprisoners.pdf>.

33. See for example the recent rulings from *Dmitry Rozhin v. Russia* (23 October 2012) and *Ananyev and others v. Russia* (10 January 2012).

34. *Vedomosti.ru*, Население российских сизо снова растёт (23 January 2013): [http://www.vedomosti.ru/politics/news/8280661/v\\_kamerah\\_snova\\_tesno](http://www.vedomosti.ru/politics/news/8280661/v_kamerah_snova_tesno). The figures for the first half of 2012 also reveal an increase in the number of extensions of pre-trial detention.

In prisons, 100-150 detainees can share an *otriad* (term used to describe the dormitory building in which detainees are housed as well as the unit or group of prisoners to which each detainee belongs). Bunk beds with two or three levels are placed together in extremely cramped conditions. One former detainee told ACAT that 127 inmates shared his *otriad* in a surface area of around 200 m<sup>2</sup>.

In principle, each detainee is entitled to his own bed. However, prison visits conducted by human rights defenders, recorded testimonies and photos taken by detainees and placed online show that detainees sometimes have to sleep on the ground or share their bed in stifling conditions.

Current legislation provides no standards for the minimum amount of space to be attributed to each detainee. The penitentiary authorities and State representatives interviewed by ACAT nonetheless repeatedly highlighted their efforts to comply with European norms, which recommend a minimum of 4 m<sup>2</sup> per person in cells occupied by several detainees.<sup>35</sup>

### > Dilapidated facilities

Penitentiary facilities in Russia are dilapidated and inadequate. During the summer, cells can become stiflingly hot because of a lack of ventilation and windows that either do not open or are obstructed; this is aggravated by the fact that detainees often smoke in their cells. In the winter by contrast, it can be very cold because of a lack of insulation. One former detainee from a SIZO in Yekaterinburg told ACAT: “The window in the cell was a hole without any glass. When the weather turned cold, they waited as long as possible before turning on the heating”. The Russian authorities have announced that between now and 2017 several penitentiary facilities will be renovated and new ones will be built, including 26 pre-trial detention centres that will comply with European standards. However, doubts have been raised about the completion of this project given the limited budget that has been allocated to it.

### > Insalubrity and hygiene & nutritional problems

Insalubrity and hygiene are recurring problems. Detainees are regularly given mattresses and bed linen that are in poor condition and infested with bed bugs.

Some former detainees explained to us that in pre-trial detention they were usually allowed one shower per week but that sometimes they were unable to wash for a fortnight if they were being transferred for an interrogation or a court hearing on the scheduled shower day. They also told us that hot water was not always available. In penitentiary facilities, detainees say they get one shower a week or every day if they work. But at prison colony IK13 in Nizhny Tagil, “the water is disgusting and full of metal”, according to one former detainee. It is not unusual for the toilets to be out of order and be replaced by buckets.

All of the former detainees interviewed by ACAT told us that the standard of food is appalling. One of them had this to say about a facility in Yekaterinburg: “The meals were inedible. Those forced to eat the food they were given by the SIZO became sick and suffered from digestive problems. We used to organise our own food amongst ourselves. Our spouses would take turns bringing food when they visited and we would share. We managed to get a cooking element through the visiting area and used it to cook our food”.

In Moscow and other cities like Krasnoyarsk or Yekaterinburg, pre-trial detention centres have put in place an online canteen system. Detainees’ friends and family can order and pay for food, which the detainee then receives within 48 hours.<sup>36</sup>

For detainees who have no family or money, conditions remain particularly challenging. “You can buy everything while in detention, material comforts first of all, particularly when detainees want hot water or if they want to eat”, said one member of the public oversight commission interviewed by ACAT.

### > Flaws in the penitentiary health system

“Your main concern in prison is not to get sick. There is no health care”, said one former detainee interviewed by ACAT in the Sverdlovsk region.

Living in close quarters, poor detention conditions, insalubrity and a lack of hygiene mean that diseases such as tuberculosis are allowed to spread. What is more, the health system in prisons is deeply flawed: with inadequate human and material resources, it is unable to treat either pre-existing pathologies or diseases contracted by detainees while in detention.

35. See criteria drawn up by the European Committee for the Prevention of Torture (CPT) in various reports following visits, and later used in ECtHR cases.

36. Information about the online canteen system put in place by the FSIN can be found at: <http://fsin-zakaz.ru>.



There is a flagrant lack of medical personnel and specialists in particular (cardiologists, ophthalmologists, dentists, etc.). The penitentiary authorities and not the Ministry for Health are responsible for medical staff in prisons, which means they follow the orders of the prison director. Very low salary levels and challenging conditions mean that doctors who train in the public health system are not attracted, especially as professional experience acquired in the prison system is not counted towards their medical career as a whole.

Medical facilities are inadequate and in a state of disrepair. In 2010, two thirds of medical equipment dated from the 1970s-1980s according to the conclusions reached following an inspection by the office of the attorney general. There is a dire shortage of medication and specific treatments for patients who are seriously ill.

"If you ask for medication or treatment, they just show you documents where the request has been denied", said one detainee. It is often impossible for detainees to obtain information about their health, receive a diagnosis or a medical prescription, or to gain access to the necessary medication. If they request a medical examination or medication, they must fill out a form which is then transmitted to the penitentiary authorities so that a doctor can be called in. It can be several days before a doctor can carry out an examination, especially where the symptoms are not apparent. One detainee from the Butyrka SIZO in Moscow told ACAT that he suffered from dental problems and that there was no available care, despite his repeated requests.

In principle, if the penitentiary health service is unable to provide the necessary care for medication, detainees can be transferred to a public hospital nearby with appropriate equipment and specialist expertise. However, in practice this rule is rarely and ineffectively enforced, as prison facilities lack the necessary resources to organise the transport and support staff (medical and security) needed to carry out the transfer.

The issue of medical care while in detention should also be seen as a lever or tool which the penitentiary authorities and investigators can use to put pressure on detainees.<sup>37</sup>

### > Visiting rights

Visits while in pre-trial detention are authorised by the primary officer in charge of the investigation. One former detainee, who spent 3 years and 10 months in pre-trial detention at Mozhaysk SIZO, told ACAT that "You don't get visiting rights if you're in pre-trial detention, even if you stay there for several years". But a lot of things can be bought in prison if you have money, including visiting rights. "At Mozhaysk, we used to pay \$500 for one hour in an interrogation room without a camera", he added, "and \$1000 to ensure whatever you wanted (food, medication, etc.) would get through security, while at Butyrka the same thing cost \$500."

Legal provisions stipulate that prison sentences should be served within a distance of 300 km from home. This is not always respected and does not apply to those convicted of participating in illegal armed groups, banditry or endangering the lives of public law enforcement officials. The geographic isolation of prison facilities makes detainees feel isolated. It is difficult for families or lawyers to travel the hundreds or thousands of kilometres needed to visit their loved ones or clients, which means that it is difficult for detainees to tell them about their detention conditions.

### > Labour in prisons

The labour carried out by detainees is a legacy from the prison system during the Soviet era. It is intrinsically linked to the expectation that such labour will be profitable for the economy and is not organised as part of the reinsertion of detainees. Assigning prisoners to gruelling and dangerous projects, which are carried out in poor safety conditions and are underpaid, is the norm.<sup>38</sup>

Only detainees who have been convicted and are serving their sentence in prison are authorised to work. One former detainee recounted the following: "Each *otriad* is assigned work. My area was metallurgy and smelting. We used to make parts for train carriages intended for a factory located nearby. For one month's work, we earned 20 roubles (around €0.50)". Wages vary from one facility to another. Detainees earn 24 roubles per month at Kopeisk and 100 roubles (around €2.50) at camp 32 in Perm, while at other facilities they are paid 4,000 or 5,000 roubles (around €100 or €120). "The production quotas that must be reached are high", he went on. "If you're not a good worker, they put you in the hole. But some of the products we manufactured were not used and melted down again. Absurd. The work was divided into three 8-hour shifts. I usually used to get up at 6 am, eat breakfast at 7 am and start work at 8 am, 365 days a year with no bank holidays and no breaks, even at the New Year. The production is non-stop. [...] There were no safety measures on the machinery. We had no protection, despite the risk of splashes when smelting. We used to get stuff in our eyes because we had no masks. Many workers suffered burns. But we weren't allowed to receive treatment. If you ask for treatment, they put you in solitary confinement. If you manage to get to the infirmary, the staff never record it as a work accident and don't provide any care."

37. See Part B below: Frequent use of torture and ill-treatment, p. 26

38. Interview with Igor Kalyapin about the reforms needed in the penitentiary system following the riots that took place at the Kopeisk facility (Chelyabinsk region) in November 2012: <http://www.vz.ru/society/2012/11/28/609129.html>

The NGO Za prava Cheloveka (For human rights), which campaigns for detainees' rights, has suggested that the labour carried out by prison inmates is in some cases a form of slavery, citing the example of prison colony no. 11 in Kirovo (Kirov region): "Detainees work for a month without a day's break, for no more than a few euros. The prison registry shows that they worked for two hours instead of 80. That means it can't be verified if there are checks". Furthermore, there are no training programmes in place to develop professional skills in prison, nor are there any socio-cultural activities or treatment programmes for detainees who suffer from drug or alcohol dependency. There is no public reinsertion policy in place. "Our prisons never reinsert anyone, all they do is destroy", said one campaigner for detainees' rights.

### > Corruption and extortion

Criminality, corruption and extortion are an integral part of prison life. Prison wardens receive very low salaries, so this type of activity allows them to boost their earnings.

The complicity of the prison authorities in illegal acts is regularly denounced by detainees. "For three years the assistant director of the Mozhaysk SIZO ran a criminal operation with the detainees. He would have all the cameras turned off in exchange for 15,000 roubles (around € 375) and allowed drugs and vodka etc. to be brought in", said Vladimir Osechkin, a former detainee at the facility.<sup>39</sup>

Another detainee told us how the authorities are able to illegally sell mobile telephones to inmates, even though they are prohibited in detention. One day, out of the blue, they conducted a search operation throughout the prison and confiscated all of the devices. They sold them on again to make more money.

## B. FREQUENT USE OF TORTURE AND ILL-TREATMENT

Abuses and violence are unfortunately commonplace in the prison system. One prison officer at the Butyrka SIZO stated that "violence is a daily phenomenon".<sup>40</sup> But the situation varies considerably from one establishment to the next. The personality of the prison director, and perhaps even more importantly that of the regional prison director, has a major impact on the atmosphere that dominates each facility and whether or not acts of violence against detainees on the part of wardens or special units will be authorised.

The use of torture and ill-treatment is very common in pre-trial detention in order to secure a confession or information. It is also a significant problem in prison facilities, where it is used to break detainees who refuse to obey the rules of prison life, to punish those who complain that their rights have been violated, to extort money and extract confessions and to find "ideal" culprits, i.e. those already convicted, for cases that have not yet been solved, or to pin made up crimes on them.<sup>41</sup>

Abuse may be directly perpetrated by prison officials or by fellow detainees, sometimes with the tacit or explicit consent of the prison authorities.

### TORTURE AND ILL-TREATMENT COMMITTED BY THE AUTHORITIES

Acts of torture and ill-treatment committed by members of prison staff can take various forms, such as punching or kicking, extended beatings, electric shocks or the use of painful positions such as the "swallow", which involves hanging detainees by their arms 1 m from the ground. In prison no. 6 at Kopeisk (Chelyabinsk region), human rights defenders recorded 21 different punishments inflicted by the prison authorities<sup>42</sup> based on information given to them by detainees.

In colony no. 4 in Bashkortostan, Sergei Lasko was beaten to death in July 2012. Almira Jukova, a member of that region's public oversight commission, recounted the testimony provided by one of Lasko's fellow detainees, indicating that one of the wardens turned up the music as loud as possible to stifle his screams: "Every time the music starts, we all know they're about to beat somebody".<sup>43</sup>

Psychological pressure is also used: threats, denial of medical care or visiting rights, etc.

39. Vladimir Osechkin, a former company director, spent four years in detention, mainly at Mozhaysk. When he was released in June 2011, he began campaigning for detainees' rights. He set up the website <http://gulagu.net> and became a member of the Presidential Human Rights Council in June 2011 (following a proposal by the Helsinki Moscow group).

40. Radio Free Europe/Radio Liberty, 21 November 2011, 'A lone voice tries to reform Russia's prisons from within': [http://www.rferl.org/content/reforming\\_russias\\_prisons\\_from\\_within/24397864.html](http://www.rferl.org/content/reforming_russias_prisons_from_within/24397864.html).

41. See the 48-minute documentary *Torture Factory*, directed in 2006 by Alexei Sokolov, a Russian anti-torture campaigner. The film was subtitled in French by ACAT-France: <http://www.youtube.com/user/ACATfrance?feature=watch>.

42. Foundation for prisoners' rights, 19 November 2012, Челябинская область: сотрудники администрации ИК-6 ввели «21 наказание» для осужденных: [http://www.zashita-zk.org/A5205F2/1353327207.html&usg=ALkJrhiaCTLD7mHtaxv\\_CFITJbnnWlwoQ](http://www.zashita-zk.org/A5205F2/1353327207.html&usg=ALkJrhiaCTLD7mHtaxv_CFITJbnnWlwoQ)

43. *Saint Petersburg Times*, 'Prisoners Strike en Masse To Protest Inmate's Death', 25 July 2012:

[http://www.sptimes.ru.postman.ru/index.php?action\\_id=2&story\\_id=35990](http://www.sptimes.ru.postman.ru/index.php?action_id=2&story_id=35990)

### > Arbitrary disciplinary sanctions

The system of disciplinary procedures is often not used for its initial purpose but instead arbitrarily as a means to punish uncooperative detainees. “The procedure is very simple for the authorities and any pretext can be used”, explains Oleg Khabibrakhmanov from the NGO Committee against Torture. “For example, if a detainee’s buttons aren’t properly aligned, that’s an infringement of the internal rules on uniforms. Two other detainees are picked out to testify against him as part of the disciplinary procedure. The result is 15 days in the hole (*Shizo*). On the 14<sup>th</sup> or 15<sup>th</sup> day, the officials will suddenly say they saw him sleeping on the floor. That’s another infringement: 15 more days. There are not allowed to put somebody in solitary confinement for more than 15 days, yet some detainees spend a year or more in there. And when you’re in the hole, you lose your right to conditional release and might not be allowed any visits from your loved ones.”

Solitary confinement is also used by the authorities to put pressure on detainees. “They tried to extract a confession out of me, but I refused so I was put in the hole for five days”, one former detainee told ACAT. In solitary confinement, conditions of detention are particularly gruelling. There is a much higher risk of being subjected to torture or ill-treatment. A former detainee interviewed by ACAT in Yekaterinburg (Sverdlovsk region) told us: “One day, an inmate refused to work. He was sent to solitary confinement. They pissed on him and subjected him to various forms of humiliation. They found him hanged. Officially, he committed suicide”. Representatives from the public oversight committee in the Sverdlovsk region told ACAT about another worrying type of arbitrary disciplinary sanction: when Pavel Petrov, a detainee at SIZO no. 1 in Yekaterinburg, refused to tidy his cell in July 2011, he was brought before a disciplinary commission, which found that he had infringed the internal regulations and sanctioned him by illegally placing him in psychiatric detention. He claims that detainees in cell 116 were constantly confined to their bed. He spent three days attached to his bed as a punishment. He was brought to the toilet once in a period of 72 hours and the rest of the time had to make do with the basin provided.

### > Press huts

The testimonies collected by ACAT also reveals the use of so-called press huts, which serve to break detainees who dare to complain about their conditions of detention or to extort money from them, especially from incarcerated entrepreneurs. Fellow detainees are usually used by the prison authorities to practice such treatments in press huts.

Vladimir Osechkin made several requests to have his rights respected while in a SIZO. “They found a way to get their revenge for all my letters”, he told ACAT. “I was placed in cell 110 for a month, a 10 m<sup>2</sup> cell designed for 4 detainees but housing 8 or 9 people. I wasn’t able to take a shower for a month. They gave us 5 litres of water per day for the whole cell. There was a foul smell because of the toilets. At night, we took turns sleeping. We were allowed to sleep from 10 pm to 6 am, and if we slept during the day they would come and wake us up or punish us and put us in the hole. At the end of the month, the inmates are broken. You don’t complain any more after that.”

He also explained that “the authorities set up VIP cells and ‘nightmare’ cells to put pressure on us. For example, they might put you in a cell with a crazy guy who has a knife or a drug addict from off the street who stinks. A businessman who goes to prison might be put in that kind of press hut for a few days. Then he has a meeting with the authorities who tell him that for 100,000 to 300,000 roubles (€ 2,500 - € 7,600) he can go to a VIP cell, where he’ll be with people like himself, with a bed and a television.

You also get the reverse scenario: they start by putting you in a VIP cell but if you don’t pay up, they’ll put you in a press hut. There are similar extortion rackets to avoid being transferred to a detention centre in the middle of nowhere in Siberia or to stay in a prison near your family or be allowed visits from your loved ones.”

### > Deliberate deprivation of medical care

The refusal to provide detainees with medical care can be used by the prison authorities to punish or exert pressure on them. In some cases this has led to the death of inmates, as in the international scandal generated by the death of Sergei Magnitsky.

The legal expert, who worked for an American investment fund, was jailed in 2008 for massive fraud after filing a complaint of major embezzlement by government officials. He was asked to testify against his former boss or withdraw his allegations. He refused. The conditions of his detention were very harsh: he was transferred from one cell to another, denied access to packages sent to him and not allowed visits from his loved ones. His health worsened. He complained of stomach pains. At Matrosskaya Tishina prison, a doctor examined him and scheduled an operation for the summer of 2009. A few days before the operation, he was transferred to Butyrka, a SIZO without any medical facilities. The investigator in charge of the case,

Oleg Silchenko, tried to get him to sign a pre-drafted statement. He refused. As a result, he was denied a medical examination and the operation. Following his hearing, judge Elena Stashina concluded that “the complaints made by Magnitsky do not justify a medical examination”.

For a period of one year, he complained that he was being denied access to medical care and subjected to harassment. He sent 450 letters to the relevant authorities in which he gave details of the treatment to which he was subjected. In a letter written one month before his death, he wrote: “I think that at the behest of the investigator Silchenko or with his tacit approval, I am being held in inhumane conditions. I am being denied medical assistance. For artificial and unjustifiable reasons, visits from my mother and wife have been forbidden, as well as telephone conversations with my young children. I have often been denied the right to take a weekly shower, watch television or use a refrigerator. I am convinced that this humiliating treatment will only stop if I agree to recognise the false accusations being made and incriminate myself and others”.<sup>44</sup>

Four days before he died, a judge extended his pre-trial detention, despite his worrying condition. In November 2009, because of his critical state, the authorities at the Butyrka facility decided to transfer him to the medical unit at Matrosskaya Tishina. According to an independent enquiry carried out by human rights defenders, Magnitsky was not brought to the infirmary but instead placed in solitary confinement and beaten to death.

A few months later, at the same SIZO, Vera Trifonova, a 50-year-old with diabetes and kidney failure who was deliberately denied medical care, also passed away.

Following the outcry provoked by these deaths and repeated requests made by human rights defenders, a series of statements were issued by the Kremlin and the government decided to relax the rules on releasing inmates for medical reasons at the beginning of 2011. A list of the specific diseases for which a release would be authorised was drawn up. However, the courts continued to extend detention periods for inmates entitled to benefit from the changes. In 2011, some 50 inmates in pre-trial detention died in Moscow, according to the Helsinki Moscow Group.

According to Zoya Svetova, a journalist and member of Moscow’s public oversight committee, doctors are indifferent, negligent or complicit in hiding information. She has suggested that investigators prefer to see detention periods extended so they can continue to put pressure on detainees and that they approach doctors and SIZO officials to prevent medical examinations and the provision of care. This is a view shared by Sergei Kalinin, who was released thanks to the significant efforts made by the public oversight commission to ensure the new legal provisions were respected. Kalinin, who has been disabled since his involvement in a car accident, completely lost the use of his legs while in prison. “From the outset, all medical attention was dependent on my testimony”<sup>45</sup>, he says. “If I had told the investigators what they wanted to hear, my transfer to a penitentiary hospital would have been authorised.” Having refused to cooperate, he was sent to Butyrka without proper medical attention. Two years later, his legs had become paralysed. Because the layout of the prison was not adapted to wheelchair use, he could no longer shower and his movements were considerably restricted. He submitted several requests to be released on medical grounds. “It doesn’t matter what disease or handicap you have, no matter how serious, if someone there has decided you must remain imprisoned, then there you will stay.”

### › Punitive operations carried out by special units

Special operations are regularly organised for punitive purposes outside of any legal framework, through the use of special intervention units from the FSIN (*Spetsnaz*), which are normally deployed in case of mutiny.

During the summer of 2012, several such deployments to prisons in the Republic of Mordovia resulted in unjustified beatings and other forms of physical violence being committed against detainees, according to testimony recorded by human rights defender Larissa Fefilova, who represents the movement For human rights and the Foundation for prisoners’ rights in Izhevsk.<sup>46</sup> In colony no.12, operations took place on 13 and 27 July. One detainee recounted the following to Ms Fefilova: “Masked robocops and a warden burst into the cell, ushered us out, tied us up and started to beat us, calling me a ‘dirty raghead’ and other insults in reference to my origins. They punched me and beat me with truncheons and then kicked me while I was on the ground, they wanted to make me crawl”.<sup>47</sup> Human rights defenders complained of such practices to the head of the regional penitentiary authorities in Mordovia.<sup>48</sup>

44. The allegations made by Sergei Magnitsky are available in Russian online: <http://russian-untouchables.com/rus/torture-and-death-ii>

45. BBC, 16 September 2011, ‘Magnitsky death: Falling ill in a Russian jail’: <http://www.bbc.co.uk/news/world-europe-14932198>.

46. Foundation for prisoners’ rights, 6 August 2012, Мордовия: в ИК-7 прошли массовые избиения заключенных: <http://www.zashita-zk.org/A5205F2/1344202199.html>

47. Foundation for prisoners’ rights, 9 August 2012, Республика Мордовия: Снимай трусы и ползи...: <http://www.zashita-zk.org/A5205F2/1344457029.html>.

48. See Правозащитники призывают директора ФСИН Г.А.Корниенко предпринять срочные меры по прекращению массовых избиений в Мордовских колониях (20 August 2012): <http://www.antipytki.ru/node/136>.

According to Major Ivanov, a former team leader working on the day shift at SIZO no. 10 in Mozhaysk, a similar operation took place over a period of three weeks from 16 August to 5 September 2011: he says the prison cells were emptied and searched without legal authorisation and that detainees were maintained in stressful positions while photos of their loved ones were torn up and medication – even essential medication – was thrown away. Those who tried to resist are said to have been beaten using rubber batons, combat gloves and boots, with damage caused to some of their vital organs.<sup>49</sup>

There are many examples of such operations. In July 2012, prisoners at colony no. 6 in Cheboksary (Chuvash Republic) were also subjected to beatings during an operation carried out by the *Spetsnaz*.

### > Chechen detainees

While they are far from being the only minority to suffer discrimination in prison, Chechens are specifically targeted for several reasons. First, the absence of prison facilities in Chechnya means that most Chechen detainees have to serve their sentences thousands of miles from home. This distance makes it very difficult for their families to visit them but also for the detainees to communicate information about their detention conditions. Second, anti-Caucasus racism, which is a part of Russian society, is heightened in prison by the presence of many veterans from the Chechen war, both among prison wardens and fellow detainees. The trauma linked to the violence both suffered and inflicted during the conflict, combined with the lack of any psychological or social support upon their return and the abiding perception of the “Chechen enemy”, generate a violent mindset towards Chechen prisoners.

Zara Murtazalyeva was released from prison in September 2012 after spending eight years at the IK-13 prison facility in Potma (Mordovia). This 29-year-old Chechen woman explains that “because I was Chechen, what I heard all the time from them was ‘people like you should be killed in their mother’s stomach; all of you, you all should have been destroyed!’ The hardest thing was the violence from the wardens. They beat you ferociously, insult you and humiliate you”.

Zubair Zubairayev spent five years in detention before being released in June 2012 from Minusinsk prison (Krasnoyarsk region in Siberia), 5,000 km from Chechnya. He was convicted in August 2007 for crimes he had “confessed” under torture. He was tortured again by the wardens in various detention centres. He was subjected to electric shocks, beaten with truncheons, and had metal rods pressed into the muscles in his legs. He continues to suffer from serious injuries and a major disability as a result of the torture. He suffered a broken spine and several cranial traumas. In July 2011, he could no longer walk and had to be brought to the visiting area on a stretcher. He was covered in bruises. During a visit from his lawyer in October 2011, Zubairayev could only walk using a crutch and with support from a fellow detainee. He could neither sit nor stand and was forced to lie on the ground. In response to his requests for medical attention, he said that officials had threatened on several occasions to “beat him to death” to prevent him from ever “seeing the day of his release”. In the autumn of 2011, the prison authorities made him wear a badge bearing the words “suicidal tendencies”. Human rights defenders feared that if he did die, it would be disguised as a suicide.<sup>50</sup>

ACAT met with the mother of Zubair Idrissov in Chechnya. In 2010, the 21-year-old was sentenced to 9 years in prison and had to serve his time at a facility in the Tomsk region in Siberia, more than 4,000 km from Chechnya. When he arrived, he was constantly beaten. Any detainees found speaking to or helping him were also beaten. One fellow inmate contacted Idrissov’s mother for fear that his treatment would result in his death. From February to October 2011, no one was allowed to visit him and he was kept in solitary confinement under a false pretext. Despite his lawyer’s requests, the authorities refused to consider ending this disciplinary measure.

Violence and humiliation are also known to be used in some prisons for the purposes of collective punishment against Chechen detainees; examples include a ban on prayer or possessing a Koran. On 28 September 2011, a riot broke out at the prison in Yurga (Kemerovo region) following an operation by special forces in which they are said to have beaten detainees and subjected them to electric shocks. It is also alleged that they went into the prison mosque and tore up a Koran.

49. See the testimony provided by Major Ivanov in video recordings given to ACAT in 2011 (and subsequently placed online: <http://gulagu.net/news/2169.html>).

50. Information received by ACAT between 2009 and 2012; interview with Vladimir Shklein in October 2011 in Yekaterinburg; see also Svetlana Ganushkina, ‘Les Tchétchènes dans les systèmes judiciaire et pénitentiaire de Russie’ (2009): <http://f.hypotheses.org/wp-content/blogs.dir/222/files/2010/09/Les-Tchetchenes-dans-les-prisons-russes.pdf>.

## ACTS OF TORTURE COMMITTED BY FELLOW DETAINEES AT THE INSTIGATION OR WITH THE CONSENT OF PRISON AUTHORITIES

Acts of torture and ill-treatment can be “delegated” to detainees upon the orders or with the encouragement or consent, whether implicit or explicit, of the prison authorities.

### › Social hierarchy of prisoners

The prison system in Russia allows considerable room for the principles of self-regulation, with detainees organised according to a strict social hierarchy that governs daily prison life as well as relations with the authorities. Prison officials emphasise the need to give this type of responsibility to detainees as part of efforts to rehabilitate them. However, the reality on the ground reveals the abuses engendered by such a system: acts of violence, threats and extortion are commonplace.

This social hierarchy is structured according to an informal caste system made up of leaders, *aktivys*, *muzhiks* and *petukhs*. The leaders and their supporters, who have links to criminal organisations, are often placed at the head of the hierarchy. The authorities try to eliminate this category, which is impossible to control, or to ensure it is as small as possible and encourage its members to collaborate by becoming *aktivys*. This group includes prisoners who have been appointed by prison officials to monitor the other detainees. They are given the responsibilities of the prison wardens to impose order and discipline throughout the facility. “In the colony where I served my sentence, the concept of a warden didn’t mean anything. Everything was controlled by the *aktivys*”, one former detainee from the Sverdlovsk region told ACAT.

When they arrive in prison, some new detainees may be invited to collaborate with the authorities by becoming an *aktivy*. “If they refuse, there are beaten until they agree. So there aren’t too many who continue to refuse”, explained a member of the NGO Committee against Torture. Another former detainee confirmed this account: “When I arrived, they put me with the *aktivys*. If I had refused, I would have been put in solitary and treated accordingly”. These inmates are then transformed into torturers at the hands of the wardens and are made to beat their fellow detainees to maintain order.

Although just a few years ago collaborating with the prison authorities was a crime and a form of behaviour that was stigmatised, the reverse is often true today. By cooperating, detainees can take up strategic positions as a steward or a librarian or with responsibility for keeping order and discipline, or obtain certain privileges, as one former detainee told us: “Only the *aktivys* were allowed access to the banya (baths) and the library in my colony”.

The group referred to as *muzhiks* includes the majority of detainees. They neither have connections with criminal organisations nor the prison authorities. They serve out their sentence, agree to work, do not seek to exercise any power within the facility, and do everything they can to go unnoticed.

Finally, at the bottom of the hierarchy is the lowest caste. Here is how several former detainees described it to us: “Right at the bottom of the ladder, they put the sexual delinquents and the weakest detainees, those who are excluded from the system. [...] They are referred to as ‘slaves’ or ‘good for nothings’ (*porabushnyi/petukh* (from the word for cockerel)). [...] They are raped and used as sexual slaves. They are scorned and seen as ‘non-humans’.”

Paedophiles are systematically placed in this category, but they are not the only ones. It is sometimes enough to be seen as a traitor or an enemy by fellow detainees (simply having a family member in the police, for example), not to have paid one’s debts within the prison or to have a weak character. They are placed together and the other detainees avoid any social contact with them for fear of being seen to belong to their category.

In each *otriad*, the *petukhs* are given the most demeaning tasks: “they are made to clean the toilets”. They generally sleep on the least comfortable beds. One former detainee told ACAT: “The bunk beds have three levels; the strongest detainees sleep on the bottom and the weakest on top because of the heat and the flies, etc.”

### › Acts of violence committed by fellow detainees

When they arrive in prison, new detainees are usually placed in quarantine for prophylactic purposes. This lasts a few days and is legally limited to a period of two weeks. If there is no quarantine area, they are placed in solitary confinement in disciplinary cells (*Shizo*). Physical and psychological pressure may be exerted on them at this stage by fellow detainees in order to ensure their cooperation with prison officials or leaders of the internal hierarchy.

When the quarantine period is over, each detainee is allocated to an *otriad*. ACAT interviewed a former detainee who had been an *aktivy* at colony IK-13 in Nizhny Tagil (Sverdlovsk region, in Ural). This is a prison reserved for law enforcement officials who have been convicted, “supposedly exemplary”, he told us before going on to describe the practice known as the “hedge of honour”: “When new arrivals have to make their way to the building where the allocating commission is located, all of the *aktivys* line up over a distance of 100 m holding sticks or other implements. The new detainees have to run past them as fast as possible without succumbing to the blows, otherwise you’re beaten up”.

If a prisoner rejects or fails to respect the prison culture, he is subjected to violence by his fellow detainees in an act of reprisal. “You live in the system, you have to play by its rules. If you go against the system, things turn bad. You have to avoid attracting attention at all costs, and especially avoid showing, for example, that you feel pity for an inmate who has been raped”, another former detainee told us.

Inmates are used by the authorities to exert pressure on other prisoners, whether to obtain information or to exact revenge. “In that situation, they put the person who has been chosen in a cell with three or four guys who work for the authorities. They beat him or make his life miserable”, explained a member of the NGO Committee against Torture. ACAT carried out an interview with Maxim Zubrilin, who became paraplegic while in detention in 2006. “One day a *spetsnaz* operation was carried out at SIZO no. 1 in Yekaterinburg. They searched my cell and said they found something that was supposedly forbidden. I got five days in the hole. On the second day, three men came into my cell and beat me for a long time. I lost consciousness. They threw cold water over me to wake me up. They were inmates, they were wearing prisoner uniforms. They started to beat me again: kicks, punches, truncheons and batons. They came back the following day and the day after that. It lasted for three days. There were two or three of them each time. The wardens didn’t do anything. They never intervened. Everyone knew about it. Other inmates were subjected to the same thing. Every day we could hear prisoners screaming and being beaten”.

Larissa Fefilova, a member of the public oversight commission in the Udmurt Republic and a human rights campaigner, told ACAT the story of Andrei Tronin, a young man incarcerated at colony no. 8 in Izhevsk, a city in the small Republic. During a visit in June 2011, his mother was subjected to a very detailed body search considered to be abusive. Fefilova summoned the authorities in relation to the incident. As a result, she says that “Andrei Tronin was subjected to harassment. Prison officials sent fellow detainees into his *otriad*. They threatened Andrei. They told him that if complaints were filed things would become very difficult for him. This type of harassment is unfortunately commonplace. Sometimes inmates are threatened with solitary confinement (*Shizo*) or no more visiting rights. Fellow detainees might also stir up trouble by telling the other inmates that a particular person is to blame, thereby leading to physical reprisals”.

The leaders of the hierarchy and the *aktivys* exert pressure on fellow inmates to extort money and buy mobile phones, drugs or alcohol for themselves. Several detainees told us about a recurring extortion scheme. “*Aktivys* give an inmate a telephone to call his family and tell them to bring 10,000 or 20,000 roubles or more, depending on his background. If you say no or if your family doesn’t want to pay, you’ll be beaten”, one of them told us. The extorted money is shared out between the leaders or *aktivys* and the prison wardens and directors. If one of the links in the chain of corruption refuses to share the spoils, he will be quickly expelled from the system. “You are then likely to see that person quickly appearing in the media in stories relating to the fight against corruption”, according to one prison rights campaigner.

## C. PENITENTIARY AUTHORITIES: BETWEEN DENIAL AND REFORM

### PENITENTIARY AUTHORITIES UNEASY FACED WITH ALLEGATIONS OF TORTURE: FROM DENIAL TO COVER-UPS.

The abuses that take place in prison are increasingly brought to public attention and sometimes result in scandals when there is a media focus on riots in prisons, video footage posted online of wardens beating inmates<sup>51</sup>, or testimony from prison officials denouncing what goes on inside. Measures adopted locally by the penitentiary authorities vary from one region and one prison to the next, although little progress has been made overall. The taboo surrounding torture, the failure to act and the denial of the prison authorities keep prevailing.

#### › The taboo of torture

ACAT representatives met with officials from several prison facilities who were visibly keen to project a positive image and emphasise the efforts made to improve detention conditions in material terms. They highlight the lack of resources to justify certain failings, rather than any deliberate policy. Human rights defenders have confirmed that most of the problems associated with material conditions in prison facilities are a result of inadequate budgetary allocations. They point out that real progress has been made in the last 10 to 20 years through constructive exchanges with many prison officials. They have noticed certain recent improvements in several regions where concerns had been raised. However, everything relating to the violation of detainees’ rights, the use of torture and ill-treatment, and relations between prison staff and inmates continues to be a highly sensitive subject and is clearly taboo among the prison authorities.

51. Amateur footage from 2008 shows one prison official, identified as Sergei Zyshkov, beating detainees in their cell at a facility in the Amur region in eastern Russia. Video posted on YouTube in October 2011: <http://www.youtube.com/user/MrArtur113>.

### > Denial

On 24 November 2012, riots broke out at prison no. 6 in Kopeisk, in the Chelyabinsk region. Hundreds of prisoners broke rank to denounce the acts of torture, violence and extortion inflicted upon them by the wardens and to demand the release of fellow inmates kept in solitary confinement for months and even years on end. According to several human rights activists, the authorities had never introduced any measures in the past and had systematically rejected complaints submitted by inmates in this regard. Valery Borshchev, a human rights defender who specialises in prisons, points out that a few months earlier he had submitted a request to the attorney general in relation to the Kopeisk facility following the death of an inmate, but that no serious enquiry or response from the attorney general's office resulted from it. This prison was already at the centre of a controversy in 2008 when four inmates were found dead.

Having suppressed the mutiny in Kopeisk in November, the regional prison authorities did no more than issue a press release denying "the false information circulating online" with regard to the mutiny, which they said was intended "to destabilise the situation within the penal system", and failed to address the problems highlighted by the detainees.<sup>52</sup>

In July 2012, Sergei Lasko, a detainee at colony no. 4 (a high-security facility) in the Republic of Bashkortostan, was beaten to death. 900 of the prison's 1,100 inmates went on hunger strike and five of them cut open veins in their forearms to highlight the case. The regional prison authorities in the Republic (local penitentiary authorities) argue that the level of force used by the wardens against Lasko was justified by the seriousness of his crimes. Those responsible for his death have had no legal action taken against them and no steps were taken to end such practices at the facility.<sup>53</sup>

### > Half measures

When the prison authorities do take action to deal with those responsible for violations, it generally involves no more than dismissing one or two people from the local hierarchy for the sole purpose of assuaging public opinion rather than to sanction those responsible or change existing practices.

In 2011, more than 1,000 inmates at colony IK-11 in Kirovo (Kirov region) went on hunger strike to protest against their detention conditions; representing almost every inmate at the facility. The prison director was replaced, but there has been no fundamental change in the practices adopted at the facility.

### > Cover-ups

When inmates die in detention, the local prison authorities sometimes try to cover it up or deny any responsibility. They sometimes claim that the prisoner self-harmed, committed suicide or hit his head against the wall or the ground resulting in his death. In October 2011, Oleg Golobokov died at a SIZO in Moscow after just 48 hours in detention. The official report recorded a heart attack, while other sources suggest that he was handcuffed and showed signs of a beating when he was brought to the hospital. In another case, a former detainee told ACAT that one of his fellow inmates who had been placed in solitary confinement was subjected to various forms of humiliation before he was found dead: "Either he hanged himself or he was hanged. There was never any enquiry. We'll never know, but the official version is still that he committed suicide".

At colony IK-2 in Yekaterinburg, Zakir Ashubekov died in suspicious circumstances on 22 June 2011. The official version is that he slipped while fighting with another inmate, who was accused of manslaughter. According to the members of the public oversight commission from the Sverdlovsk region, there are several details that do not corroborate this version, in particular the forensic doctor's report. They fear that he may have died as a result of torture. What is more, the family of the deceased were only informed four days after his death, despite a requirement that such notice must be given on the same day. Two commission members went to the prison on the day they received the information from the family, but the prison officials denied them entry. They were only able to carry out an on-site enquiry the following day. They noted that the fellow detainees who had admitted manslaughter was being kept in an individual cell in very good conditions. They assume that the authorities pressured him into "confessing" to the crime and that the conditions of his detention were improved, at least while awaiting trial, so that he would not reconsider his position.

52. France 24, 26 November 2012, 'Russie: une mutinerie met en lumière les abus dans les prisons': <http://www.france24.com/fr/20121126-russie-une-mutinerie-met-lumiere-abus-prisons>; rt.com, 26 November 2012, 'Several injured as police suppress Russian prison riot': <http://rt.com/news/kopeisk-prison-protest-injured-548/>.

53. *Saint Petersburg Times*, 25 July 2012, 'Prisoners strike en masse to protest inmate's death', [http://www.sptimes.ru.postman.ru/index.php?action\\_id=2&story\\_id=35990](http://www.sptimes.ru.postman.ru/index.php?action_id=2&story_id=35990).



## REPRISALS AGAINST PRISON OFFICIALS WHO DARE TO SPEAK OUT

Several campaigners who work on the prison system have suggested that many prison officials are critical of the situation, “but they are part of the system and they are compromised by being forced to get involved in illegal acts such as drug and alcohol trafficking. If they speak out about anything, they have to leave the system and run the risk of suddenly becoming scapegoats. There is a high turnaround among prison wardens: they prefer to leave than to speak out”.

Just a few individuals from within the prison authorities have dared to speak out publicly. After eight years working within the system and two years spent writing reports about detention conditions and calling for internal reforms at the Butyrka SIZO in Moscow, Alexei Kozlov gave an interview to the press in November 2011 which he hoped would provoke public reaction and lead to penal reforms. He denounced the lack of progress within the prison authorities and in existing detention conditions despite the scandal surrounding the death of Sergei Magnitsky. “Everybody knows about the violations being committed, but nobody does anything”<sup>54</sup>, he said. The reaction from the authorities was not what he had hoped for: he was demoted, no action was taken and his colleagues distanced themselves from him.<sup>55</sup> He thinks that many of his colleagues nonetheless feel the same but do not have the courage to say anything for fear of reprisals or because they think that the authorities will never change anything.

Major Ivanov, who served as team leader at SIZO no. 10 in Mozhaysk from 2009 to 2011 (and is a former member of the FSB), decided he could no longer turn a blind eye to what was happening within the prison system. In an interview broadcast in 2011 on gulugu.net, he spoke out against the abuses and violations being committed at the Mozhaysk facility before handing in his resignation. The footage was sent to the Investigative Committee of Russia, to the FSB and to the attorney’s office for the Moscow region, and the prison director was informed.<sup>56</sup> Ivanov was immediately threatened by his former superiors. He was forced to go into hiding, fearing for his safety. Every effort was made to close the enquiry and ensure no legal action would be taken.

## FAILED PRISON REFORMS

In 2009, then President Dmitri Medvedev announced major prison reforms. A programme was adopted by the government in October 2010 setting out measures to be implemented by 2020. Notable targets were to make detention centres more humane, improve legal guarantees and the protection of detainees’ rights, eliminate the practice of detaining inmates in collective cells, establish new facilities, develop a policy of social and psychological rehabilitation in detention centres and introduce measures to help inmates who have been released.

The plan to develop individual cells was met with mitigated support from certain experts or human rights defenders. It should be noted that in Russia the penitentiary system is based on collective cells, and detaining inmates in individual cells continues to be associated with high-security facilities or even solitary confinement. There are fears that this measure will make detention conditions tougher compared to existing practices.

Some measures have been put in place, such as the abolition of “order and discipline units” in prisons, which are made up of detainees placed under the authority of wardens and required to ensure “order and discipline” are maintained. However, despite a legal ban on such units since 2010, the practice is ongoing, as revealed by the social hierarchies that operate in prisons.<sup>57</sup>

Many of the measures that were announced have yet to take shape. With regard to the development of alternative sentences in order to reduce the prison population and promote the social reinsertion of detainees, an experiment using electronic bracelets was carried out in the Voronezh region with support from the European Union. Despite positive results, there have been delays in extending the scheme elsewhere.

Human rights defenders and experts have welcomed some announcements, although they question the political will needed to implement them and point to the lack of an adequate budget given the scale of the measures. In November 2012, as riots were breaking out in Kopeisk prison, the assistant director of the federal penitentiary service (FSIN), Eduard Petrukhin, publicly declared that the prison reforms had failed<sup>58</sup> and expressed his shame for the State of Russia. Such a declaration from a senior member of the FSIN is rare and would appear not to have been appreciated by his peers. The media reported that Petrukhin had been dismissed, while the Minister for Justice said he had fallen ill. In January 2013, although he made no mention of failure, the same minister recognised that the prison reforms were not progressing as quickly as expected because of a lack of financing.

54. Radio Free Europe/Radio Liberty, 21 November 2011, ‘A lone voice tries to reform Russia’s prisons from within’: [http://www.rferl.org/content/reforming\\_russias\\_prisons\\_from\\_within/24397864.html](http://www.rferl.org/content/reforming_russias_prisons_from_within/24397864.html).

55. Radio Free Europe/Radio Liberty, 22 November 2011, ‘Russian prison whistle-blower faces reprisals’: [http://www.rferl.org/content/russia\\_butyrka\\_whistle-blower\\_faces\\_reprisal/24398862.html](http://www.rferl.org/content/russia_butyrka_whistle-blower_faces_reprisal/24398862.html).

56. The video of this interview was placed on the website set up by a former detainee at the Mozhaysk SIZO, Vladimir Osechkin: <http://gulagu.net/news/2169.html>.

57. See Chapter 1. II. B. ii, Acts of torture committed by fellow detainees at the instigation or with the consent of prison authorities, p. 30

58. See Первому замдиректора ФСИН предложили уйти, 12 December 2012: <http://izvestia.ru/news/541323>; ‘Russia Riot Prison Dubbed “Hell” by Kremlin Rights Council’, 6 December 2012: <http://russialist.org/russia-riot-prison-dubbed-hell-by-kremlin-rights-council/>.

### III. TORTURE PRACTICES IN CHECHNYA

In 2013, the Chechen Republic is a far cry from the peace and stability that many claim has been achieved. The physical reconstruction of Grozny is impressive, and the political loyalty of the Republic's political leaders towards Moscow cannot be denied. Federal and Chechen leaders have boasted of a return to peace and security. Yet their portrayal disguises an extremely authoritarian regime, the absence of the rule of law and a state of affairs that is marred by silence and fear in a society that is weary after 15 years of conflict.

Numerous cases of abductions followed by acts of torture, disappearances or killings continue to be reported in Chechnya, with the finger pointed at law enforcement officials acting on behalf of the State in a climate of total impunity. This was the reality on the ground observed by ACAT representatives during a mission to Grozny in the autumn of 2011, observations that have since been corroborated by information supplied by NGOs, lawyers and independent journalists who have managed to work in the Republic.

#### A. A LEGACY OF WAR

Throughout the different phases of the conflict led by federal forces – open warfare (1994-1996 and 1999-2000) and occupation –, there were many atrocities committed. The high number of “cleansing” (*zachistka*) operations carried out on the pretext of rooting out guerrilla fighters led to massive use of torture and ill-treatment by Russian forces, as well as arbitrary arrests, abductions and thousands of enforced disappearances.

Beginning in 2003-2004, law enforcement operations were increasingly carried out by Chechen forces loyal to Moscow. This phase is commonly referred to as the “Chechenisation” of the conflict. Ramzan Kadyrov, officially appointed president in 2007<sup>59</sup> with support from Moscow, has developed a hegemonic power structure that places all of the Chechen forces under his authority and has enrolled several thousand former independence fighters. Although in 2009 the end of the “anti-terrorist operation” was officially announced in the whole of Chechnya, low-level fighting continues to pit Republican forces against militant groups. Some armed groups have been eliminated while others have joined forces – more or less under pressure – with the Chechen authorities, but armed factions continue to be active in the country's mountainous areas and regularly carry out attacks against police officers.

Anti-terrorist laws allow districts, villages and even wider areas to be declared “counter-terrorist operation zones” for a period stretching from a few days to several weeks or more, with the police and security services granted increased powers. On 5 July 2011, such an operation was initiated in the southern Grozny district.<sup>60</sup> These operations allow large-scale arrests to be made and extended police custody, and are often accompanied by human rights violations. Elsewhere, the violence spread throughout the North Caucasus region, following patterns that are specific to each Republic but with broadly similar acts of repression.

Due to the weight of these two conflicts and the impact they have had on the way internal politics now functions in Chechnya, the situation here deserves to be treated as a separate case. Although one can identify a high degree of continuity in the torture practices that can be observed in the rest of Russia, the Chechen Republic suffers from the widespread practice of torture and ill-treatment, with a certain number of characteristics associated with the country's target groups, leaders and operating methods. In the other regions of Russia, police officers endeavour to avoid that individuals in custody die under torture and victims usually survive such treatment. However, in Chechnya, death under torture does not even appear as a concern for law enforcement authorities.

#### B. VICTIMS

##### › Insurgents (whether confirmed or suspected) and their supporters

Torture is used in particular against those suspected of active involvement in “illegal armed forces” (*nezakonnye vooruzhenniye formirovaniya* – NVF) in an effort to secure confessions or intelligence.

Those targeted are usually young men (aged 18-25). They may have publicly expressed support for insurgent groups or be identified through their use of websites in support of armed groups. Methods used include reporting them for making comments that are hostile to the regime or provocation by the police in an effort to facilitate the accusation of complicity with insurgents. For example, officers chat online posing as insurgents and gain the trust of young opponents of the regime. Then they arrange a meeting asking them to bring food, at which point the young target is arrested for complicity and supporting insurgents.

59. In 2010, he renounced this title out of loyalty to the Russian president, arguing that there can only be one president in Russia, instead adopting the title of head of the Chechen Republic: <http://en.rian.ru/russia/20100902/160441578.html>.

60. <http://www.kavkaz-uzel.ru/articles/188516/>.

In the case of deadly attacks against law enforcement officials, the authorities at the highest level demand the arrest of as many insurgents and their supporters as possible<sup>61</sup>, which leads to mass arrests and the use of all available means to find those responsible.

As in the rest of Russia, the requirement to respect quotas in terms of processing and solving crimes means that many cases are fabricated by the police. In Chechnya, the prospects for police officers of bonuses, prestige and promotion associated with the arrest or execution of an insurgent generate many false accusations of “belonging to an insurgent group”.

There is another recurring practice: men who have served a prison sentence for belonging to an NVF are harassed, threatened and often abducted or arrested. Family members, especially men, who already have a relative in prison are also among the first to be intimidated, arbitrarily arrested and tortured by the law enforcement authorities in order to force them to confess to just about anything.

Another phenomenon is for a young man to be abducted and detained in an unofficial location. He is treated well but is not allowed to shave, and after a month or two is brought into the mountains where he is made to wear camouflage fatigues. He is then summarily executed and it is officially announced that an insurgent has been killed.

### › Common-law suspects

Campaigns against other offences, in particular drug trafficking, are also carried out using torture for the purposes of extracting confessions or intelligence.

This observation was also made by the European Committee for the Prevention of Torture (CPT) when it visited Chechnya in 2011<sup>62</sup>, following which Russia authorised for the first time — in January 2013 — both the publication of the CPT’s report and its official response.<sup>63</sup> The Committee examined the charges brought against torture victims in detention and noted that while most related to the illegal possession of arms, membership of an NVF and other offences or crimes relating to the activities of insurgents as well as other articles from the criminal code were also included. It concluded as follows: “the picture emerged that any detained persons who do not promptly confess to the crimes of which they are suspected, or provide information being sought, are at high risk of torture or other forms of ill-treatment”.<sup>64</sup>

### › Families of suspects

The families of suspects are also subjected to police violence in order to secure information about their loved ones. Magomed Akaev, a Grozny resident who was wanted for killing a police officer, fled after he managed to escape an identity check. In March 2012, his mother, spouse and sisters were arrested at their home and driven to the police station in the Okriabrskikh district, where they were subjected to electric shocks, repeated acts of violence, humiliation and death threats.<sup>65</sup>

Putting pressure on the families of confirmed or suspected insurgents is a significant practice in relation to arrests that lead to acts of torture in Chechnya. This is nothing new: during the period of open conflict with the Russian federal forces, the pressure placed on families was often very brutal. In 2004, the Chechen Attorney General, Vladimir Ustinov, even submitted a piece of legislation to the Duma authorising the arrest of the families of suspected terrorists. An illustration of the prevailing climate is Ramzan Kadyrov’s official statement following the assassination of two police officers by insurgents in September 2010: “[the insurgents’] fathers and brothers will have to answer for them”.<sup>66</sup> Testimony recorded by journalists and human rights defenders on the ground includes several references to the houses of insurgents’ families being deliberately burned down.<sup>67</sup>

61. Comments recorded in Grozny, October 2011; see also: [http://www.jamestown.org/single/?no\\_cache=1&tx\\_ttnews\[tt\\_news\]=38167&tx\\_ttnews\[backPid\]=514](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=38167&tx_ttnews[backPid]=514).

62. Council of Europe: Committee for the Prevention of Torture, ‘Report to the Russian Government on the visit to the North Caucasian region of the Russian Federation carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 April to 6 May 2011’ (published in January 2013): <http://www.cpt.coe.int/documents/rus/2013-01-inf-eng.htm>.

63. Response of the Russian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to the North Caucasian region of the Russian Federation from 27 April to 6 May 2011’ (published in January 2013): [www.cpt.coe.int/documents/rus/2013-02-inf-eng.htm](http://www.cpt.coe.int/documents/rus/2013-02-inf-eng.htm).

64. Committee for the Prevention of Torture, op. cit., Section 15, p. 13.

65. Memorial, Чечня: силовики пытали родителей и сестер подозреваемого (9 July 2012): <http://www.memo.ru/d/121760.html>.

66. Caucasian Knot, ПЦ “Мемориал”: силовики в Чечне используют родственников боевиков в качестве “живого щита” (September 2010): <http://www.kavkaz-uzel.ru/articles/174001/>.

67. See Caucasian Knot, Жители Чечни сообщают о поджогах домов родственников боевиков, силовики сведения опровергают (July 2011): <http://www.kavkaz-uzel.ru/articles/188469/>.

### › Chechens returned to Russia from Europe and the families of refugees

Many Chechens were forced to flee Chechnya and seek refuge in foreign states. Despite the current climate in the Republic and the risks facing those who return, an increasing number of Chechens are being expelled from many European countries. It is very difficult to monitor the situation of those who are sent back due to the prevailing climate of silence and fear. It would appear nonetheless that these people represent an at-risk category. Upon their return, they are identified as targets as a result of the suspicions surrounding them following their decision to flee.

Umar Bilemkhanov was found dead in January 2013 having been returned to Chechnya from Norway. In May 2009, his brother and former insurgent, Adam Belimkhanov, had been assassinated and his death had been dramatically staged by the Chechen authorities and the media. His father, who was arrested and tortured while in detention, also died in 2009. When his request for asylum in Norway was rejected, Umar Bilemkhanov was returned to Russia in November 2011. When he arrived in Chechnya, he was arrested and detained for several weeks. In a letter he sent to Memorial in May 2012, to which ACAT has been given access, he claims he was tortured, in particular through the use of electric shocks, and continued to suffer from physical injuries several months later. He wrote that during his interrogations he was reproached for leaving, received threats not to leave the Republic again, and had documents thrown at him relating to the assassination of his brother and which had been published by human rights organisations. When he was released at the end of December 2011, he feared for the safety of his family if he were to flee once again. He was found dead in January 2013. The official cause of his death was recorded as a car accident, but the exact circumstances remain unclear.

In another case, in March 2013 the ECtHR ruled that the decision by Austria to send a Chechen asylum seeker back to Russia would be a violation of Article 3 of the European Convention on Human Rights (prohibition of torture and ill-treatment). Beyond the specifics of that case, it is interesting to note that the court also studied the current human rights situation in Chechnya using information gathered on its own initiative (*proprio motu*) and the risks of returning to the Republic. In particular, it noted that the friends and family or supporters, whether confirmed or suspected, of armed fighters were subjected to collective punishments.<sup>68</sup>

ACAT has recorded several testimonies indicating that the families of Chechens who fled the Republic to seek refuge in Europe were exposed to threats and the risk of arrest and torture. When Z., who served a lengthy prison sentence for terrorist acts and was gravely tortured while in detention, fled from Chechnya and Russia, his mother and sister received a visit at their home in Chechnya from FSB officials in October 2012. They say they were threatened and forced to sign a letter saying that Z. would be back within a week. The intervention of several NGOs provided them with some level of protection, albeit temporary.

## C. TORTURERS

### › Former fighters turned police officers

Many police officers were once themselves insurgents. The “Chechenisation” of the conflict, from 2003 onwards and especially in 2005-2006, saw the authorities increasingly determined to hold the illegal armed groups to surrender using whatever means necessary; this included offering amnesties combined with putting intense pressure on family members, forced recruitment and repressive operations carried out as part of the unbridled fight against terrorism.<sup>69</sup> These former fighters who became police officers either voluntarily or for fear of reprisals now display unquestioned loyalty to the head of the Republic, Ramzan Kadyrov, and to their immediate superiors.

If they do not collaborate, they face significant risks, execution in particular, as illustrated by the iconic Israilov affair. Captured and tortured in a facility often referred to as the “personal” prison of Ramzan Kadyrov in his home village of Tsentoroi, this former fighter initially gave himself up and agreed to be recruited by Kadyrov’s militia. After a few months, he decided to leave his post, refusing to participate in acts of torture. He made it to Poland and from there travelled to Austria at the same time as his father was being arrested and tortured so that he would reveal his son’s place of residence. His father was released after a few months in detention and also made it to Europe, where he and his son decided to take their case to the ECtHR. They described in detail the torture methods used in the system put in place by Ramzan Kadyrov’s regime, as well as the leader’s personal involvement in acts of torture. Men from the Chechen regime were dispatched to Austria one after the other to issue threats and make financial offers to Israilov in an effort to get him to drop the case, until he was ultimately assassinated on 13 January 2009 in Vienna.<sup>70</sup>

68. ECtHR, I.K. v. Austria, 28 March 2013, sections 79-83.

69. See the report by FIDH and the Civic Assistance Committee, Russian Society Under Control (2009): [http://www.fidh.org/IMG/pdf/Russian\\_society\\_under\\_control.pdf](http://www.fidh.org/IMG/pdf/Russian_society_under_control.pdf).

70. <http://www.fidh.org/Affaire-ISRAILOV>.

### › Main units responsible for acts of torture

Although torture is widely practiced in police stations across the Republic, some police units have been particularly highlighted: OMON (special security forces); *Neftepolk*, a unit originally assigned to protect oil facilities but later given responsibility for criminal investigations; and PPSN-2, a unit that is “specially assigned to Ramzan Kadyrov”, as indicated on their vehicles, and which has a total of eight bases, one in each of Chechnya’s major cities. ORB-2, the criminal investigations bureau, was for a long time one of the main units responsible for acts of torture and ill-treatment at a time when it was controlled by federal bodies. It was denounced both by human rights defenders and the Chechen authorities. Its director was dismissed, but its premises have yet to be closed. Although the scale of torture allegations has eased since the time of the conflict, ORB-2 continues to be cited as a location for acts of torture and ill-treatment in several testimonies, notably in the report by the CPT.

## D. MODUS OPERANDI

An individual is summoned by the law enforcement authorities, or more often than not, arrested or abducted. They are then taken to a detention centre where they are interrogated and tortured repeatedly for several days or weeks by one or more units. Friends and family are not given the detention location, and if they approach the courts or police authorities to determine where they are or why they were arrested, they are met with silence, denials or threats in order to discourage them from looking any further. The victim is then released, charged, executed or remains missing.

### › Abductions and arbitrary arrests

Abductions are an extremely common practice in Chechnya and often replace proper arrest procedures. During the course of its mission, ACAT met with the Chechen Republic’s human rights mediator, who himself recognised that abductions and illegal arrests take place.

Armed men, often wearing masks and sometimes in large numbers, burst into a house and remove the person they are after, perhaps without revealing their identity as law enforcement officials. One example is the case of Zubair Idrissov, whose family met with ACAT in Chechnya in October 2011. He was first abducted on 5 August 2009 in the middle of the night at his family home in Avturi (Shali district) by a half dozen masked and armed men who did not identify themselves or provide any information about where they were bringing him. Idrissov was released the following day showing signs of a beating. One month later, armed men once again showed up at the family home to take him away. He was not home, and his family was pressured and threatened into revealing his location. His mother convinced him to hand himself into the police station and insisted on being present during the interrogation as his son was a minor. The police officers nonetheless decided to interrogate him alone. They placed him in detention in an IVS facility for 48 hours, during which time he was beaten and tortured. The lawyer appointed by his family was denied all access to his client. Idrissov was so badly beaten that he had to be taken to hospital; according to his mother, this was only made possible by the intervention of the head of the IVS, who wanted to avoid his death. No news was given to the family for several weeks until September 2009.

Arrests and abductions are sometimes carried out collectively. In the autumn of 2012, 16 youths were abducted or illegally arrested in the small village of Assinovskaya (Sunzha district).<sup>71</sup>

Arrests may take the form of an abduction in the street by armed men travelling in an unmarked vehicle. K., from the village of Assinovskaya, was arrested on 4 December 2012 as he travelled by car to a neighbouring village. One of his acquaintances phoned him and asked him to stop on the way, which made his arrest possible. The friend had himself been arrested a few days earlier and was in the unmarked vehicle used by the police officers to carry out the arrest. K. was placed in an unknown detention centre, beaten and tortured, in particular through the use of electric shocks. He was accused of participating in the killing of a police officer in the summer of 2012 and “confessed” under torture. He was later officially charged and transferred to a SIZO in Grozny. In court, his mother testified that she had seen him covered in blood and bruises.<sup>72</sup>

In some cases, abductions are followed by outright disappearances. In January 2013, the ECtHR ruled against Russia in the court’s first judgement in relation to acts committed under Ramzan Kadyrov’s regime.<sup>73</sup> It ruled that the investigation carried out following the abduction of Doka Suleymanov<sup>74</sup> by a group of unknown individuals at his workplace in Grozny on 16 May 2011 had been inadequate. His father, who suspected that the police officers who had arrested his son two days earlier were behind the abduction, immediately filed a complaint. Doka Suleymanov has yet to be

71. Memorial, ‘La lutte contre la rébellion armée au quotidien en république de Tchétchénie’, 30 January 2013: <http://www.memo.ru/d/144878.html>.

72. Memorial, ‘Повседневность борьбы с вооруженным подпольем в Чеченской Республике (January 2013): <http://www.memo.ru/d/144878.html>.

73. ECHR, *Suleymanov v. Russia* (22 January 2013); see also Memorial, ‘ЕСПЧ вынес первое решение по преступлению в современной Чечне (January 2013): <http://www.memo.ru/d/148760.html>.

74. Memorial, ‘Чечня: похищен житель Грозного (май 2011) <http://memo.ru/d/2766.html>.

found. Two new ECtHR rulings in April and June 2013 confirmed the responsibility of the Chechen Republic authorities both in the abductions and tortures committed by Chechen law enforcement officers and in the total absence of investigation in such acts.<sup>75</sup>

Apti Zainalov has also been missing since 2009. Memorial's Natalia Estemirova was investigating his abduction when she was assassinated in July 2009. Zainalov's mother found out that he had been arrested on 28 June 2009 and was at Achkhoi-Martan hospital. She sought help from the public prosecutor's office, but they refused to intervene. However, her son was transferred to an unknown location immediately following her request: she just had enough time to go to the hospital and see that he was injured and being monitored by armed men when two other men in uniform took him out through a back door and placed him in a car. She never saw him again.<sup>76</sup>

When an arbitrary arrest leads to charges, the fact that the individual's family members are not informed about the reason for the arrest or the detention location means that it is possible to falsify the procedure. Those currently working in Chechnya on cases of arbitrary arrests that have led to acts of torture have observed that individuals are illegally detained and tortured for a period of several days before being "legalised" once a confession has been signed, i.e. when official procedures can begin. The official arrest date is later falsified so that it appears to have taken place after the actual arrest.

### > Illegal detention

Those arrested are sometimes held in illegal detention centres. There are many reports of "secret prisons" in Chechnya, especially in Tsentoroi, Ramzan Kadyrov's home village, and Kurchaloi, although it is impossible to determine the facts with any certainty. As the human rights defender, Igor Kaliapin, explains: "Often there is not a particular location, it's just a basement, shed or building where no one would ever come and where an individual can be detained for several months". The much-publicised case of Islam Umarpashaev is an illustration of this. On 11 December 2009 at his family home in Grozny, in the presence of several members of his family, he was arrested by police officers who said they were from Oktriabrskikh police station and that he was needed for the purposes of "verification". He then disappeared for several months, before being released without ever having officially been arrested. His release came thanks to the efforts of his family and human rights defenders who managed to have an abduction investigation opened and requested emergency measures from the ECtHR. Umarpashaev was detained and tortured for four months in the basement of the OMON headquarters for the Chechen Republic. The police officers responsible threatened to kill him and stage his death as the elimination of an insurgent fighter.<sup>77</sup>

## E. TORTURE METHODS

One of the most widely used torture methods is electric shocks. Nearly all police stations have a generator (manual or connected to the electricity supply) that can be used for this purpose. This is a method that leaves no trace and is considered by torturers to be practical and "effective" at obtaining confessions from arrested individuals. It is used in relation to all types of crimes, not only against suspected insurgents. In an effort to limit bruising and other signs of torture, plastic bottles filled with water and simulated drowning using plastic bags are also widely used.

Given the prevailing climate of impunity, there are also many cases of ill-treatment and torture in which the victims' bodies bear signs of the abuse: punches, truncheons and, more rarely, victims suspended by their arms. The problem with such methods from the perspective of the torturer is that the abuse may be detected by the mandatory medical examinations which all individuals arrested should in principle undergo before being admitted to an IVS and later transferred to a SIZO. Following their visit to IVS and SIZO facilities in Chechnya in 2011, medical experts from the CPT delegation observed signs of ill-treatment and torture such as bruising, recent scarring and contusions on individuals who claim to have been tortured immediately after their arrest.<sup>78</sup> On several occasions, human rights defenders carrying out investigations on the ground have also referred to a medical report from an IVS which mentions signs of very recent abuse, as well as a report about the subsequent transfer to a SIZO which mentions bruising. Victims are sometimes kept in police custody while their torturers wait for the evidence to disappear. The 48-day detention of Zubair Idrissov in an IVS, referred to above, was intended to allow enough time for the many traces of torture on his body to disappear before he was transferred to a SIZO.

75. Askhabova v. Russia and Turlueva v. Russia. These two cases were brought to the ECtHR by the Joint Mobile Group.

76. Interview with ACAT in October 2011./

77. For more on this story, see: <http://www.eng.kavkaz-uzel.ru/articles/12414/>; <http://www.eng.kavkaz-uzel.ru/articles/14324/>; <http://www.eng.kavkaz-uzel.ru/articles/13033/>. This case was the focus of several articles and press releases, including from official institutions such as the European Parliament.

78. Committee for the Prevention of Torture, op. cit., sections 13-14, p 13.

Medical staff are generally reluctant to indicate signs of torture or testify in investigations being carried out in Chechnya. The Zainalov case mentioned above refers to the fears of the nursing staff whom the victim's mother met and their refusal to testify about his physical condition. In cases where a torture victim requires medical attention in a hospital, the ambulance register contains no name, the medical file often remains blank, or the name of the victim is "forgotten". In the case of Zubair Idrissov, the hospital denies that he was ever admitted and refuses to hand over the medical file. A member of the victim's family who works in the hospital has confirmed that he was admitted, but has refused to provide written testimony for fear of reprisals. The only person in that case who is willing to provide official testimony is a doctor at the SIZO where Idrissov was later transferred. In the case of victims who are abducted and later released without being officially detained before being taken to hospital, it would appear to be preferable to make no mention of police involvement. It may be beneficial for victims to say nothing in such cases, as they are more likely to receive a full medical report, which in turn can be used to request an enquiry.

## CHAPTER 2

# A LEGAL FRAMEWORK THAT EITHER FAILS OR IS IGNORED

The law provides an inadequate level of protection against torture. Torture is not specifically identified as a criminal offence and in practice is sanctioned as an aggravating factor in the abuse of power. The legal guarantees for persons deprived of their liberty are often violated. Similarly, the Russian State has flouted its obligation to respect the principle of non-refoulement by returning individuals to countries where they are at risk of being tortured. A very worrying practice has developed in recent years in which people are abducted and illegally returned by the authorities.

### I. TORTURE NOT IDENTIFIED AS A SPECIFIC CRIMINAL OFFENCE

Russia ratified the United Nations Convention against Torture in 1987. Article 21, Chapter 2 of the Russian Constitution expressly prohibits torture: “1. Human dignity shall be protected by the State. Nothing may serve as a basis for its derogation. 2. No one shall be subject to torture, violence or other severe or humiliating treatment or punishment. No one may be subject to medical, scientific and other experiments without voluntary consent.” Despite this, torture is not identified as a specific criminal offence in any of the articles of the criminal code. The legal provisions that prohibit acts that can constitute torture are Article 117 (assault)<sup>79</sup>, Article 286 (abuse of power), usually used in relation with Article 111 (intentional infliction of a grave injury) and Article 302 (restraint for the purposes of obtaining testimony) of the criminal code, as well as Article 5 of the 2011 law on police, which addresses acts of torture committed by police officers. Torture appears to be treated as no more than an aggravating factor in several of these provisions. However, none of the articles cited complies with the international definition of torture. In practice, only Article 286 is used by the courts to punish acts of torture.

#### A. ARTICLE 117 OF THE CRIMINAL CODE: ASSAULT

The following note has been added to Article 117: “For the purposes of this Article and other Articles of the Code, torture shall be defined as infliction of physical and moral suffering aimed at coercing an individual into giving evidence or committing other acts against his will, as a punishment and for other purposes”.<sup>80</sup> The legislation provides for prison sentences of 3 to 7 years. A 10-year statute of limitations applies to such acts. This provision makes no reference to the involvement of public law enforcement officials or to any person acting in an official capacity with the tacit or explicit consent of State officials. Furthermore, the notion of hierarchical responsibility does not exist under Russian criminal law, even though acts of torture are often committed with the consent of one’s superiors.

This article is very rarely used against State officials.

#### B. ARTICLE 5 OF THE LAW ON POLICE: PROHIBITION OF TORTURE BY POLICE OFFICERS

The recent federal legislation on police, which came into force in March 2011, stipulates that “Police officers are prohibited from using torture, violence or other forms of cruel or degrading treatment. Police officers must cease all activities that could inflict pain or physical or mental suffering on individuals”.<sup>81</sup> It refers to the notion of torture (*pytka*) and reproduces certain elements from the internationally used definition (notably the act of inflicting physical or mental pain or suffering), but remains incomplete and requires further improvement. Furthermore, the concept defined in this provision is restrictive as it only refers to acts committed by police officers.

79. Article 117 uses the Russian word *istyazaniye*, which is variably translated in English as assault or torture. However, the Russian term used to translate the notion of torture referred to in the UN Convention is *pytka*. The notion of *istyazaniye* is less serious than *pytka* and corresponds more closely to the notion of assault in English. For this reason, we have chosen this term in the present context.

80. Article 117 of the federal Russian criminal code (in Russian): <http://www.ugolkod.ru/statya-117>.

81. The “Law on Police” is available at <http://www.rg.ru/2011/02/07/police-dok.html> (Article 5, para. 3).



### C. ARTICLE 286 OF THE CRIMINAL CODE: ABUSE OF POWER

Article 286(3(a)) portrays torture as an aggravating factor in the abuse of power. Such abuse must either be committed with the use of violence or arms or the threat thereof, or have resulted in serious harm. The legislation provides for prison sentences of 3 to 10 years. It is this offence that is generally favoured by judges when punishing acts of torture carried out by State officials. It should be noted that the concept of cruel, inhuman or degrading treatment does not feature in these provisions.

### D. ARTICLE 302 OF THE CRIMINAL CODE: PROHIBITION OF CONFESSIONS OBTAINED UNDER COERCION

Article 302 of the criminal code prohibits the use of testimony obtained under coercion by investigators, any other person responsible for leading an investigation, or any individual acts with the explicit or tacit consent of the investigator or person responsible for the investigation. Torture is defined in this article as an aggravating factor. It provides for prison sentences of 2 to 8 years.

There are no official statistics concerning the number of complaints filed or investigations launched in cases of torture, or concerning the number of prosecutions made on the basis of this legislation. The available data in relation to Article 286, for example, includes all offences that fall under the scope of this article. This data is not disaggregated despite repeated requests from the UN Committee against Torture, and does not allow analysts to follow the path of a particular torture allegation through the criminal justice system.

It should also be noted that the crime of enforced disappearance, which under international law is considered to be a form of torture, is not dealt with by the Russian legislation. Nor has Russia signed the International Convention on Enforced Disappearances.

## II. VIOLATIONS OF LEGAL GUARANTEES FOR PERSONS DEPRIVED OF THEIR LIBERTY

Although the law provides for significant levels of protection against torture and ill-treatment, in practice it is clear that these guarantees are frequently circumvented or violated.

### A. VIOLATIONS OF THE RIGHT TO LEGAL COUNSEL

All detainees have the right to choose their own legal counsel. This right is protected by Article 48 of the Constitution of the Russian Federation: "1. Everyone shall be guaranteed the right to qualified legal counsel. Legal counsel shall be provided free of charge in cases stipulated by the law. 2. Every person who has been detained, taken into custody or charged with a crime shall have the right to legal counsel from the moment of, respectively, arrest, detention or indictment."

The criminal procedure code lays out the conditions under which this right is to be applied.<sup>82</sup> Detainees are entitled to immediate access to legal assistance and a 2-hour confidential meeting with a lawyer prior to any interrogation. The lawyer is entitled to be present throughout the interrogation and the investigative procedure, and can be appointed or chosen by the detainee or his family. Alternatively, the State can appoint a lawyer free of charge. No written statements obtained from and incriminating a detainee can be admitted in court, except where it is signed in the presence of the detainee's lawyer or recognised before the court by the suspect in person. Throughout the detention period, detainees may request as many meetings with their lawyer as they wish. Regardless of the detention centre, lawyers must be granted free access to their client as well as appropriate conditions of confidentiality.

In practice, the right to legal counsel is frequently violated. Police officials regularly claim that individuals are not in detention but simply present for an informal or "operational conversation" (*operativnye besedy*).<sup>83</sup> A legal distinction is operated between such conversations and an interrogation or police custody, which benefit from greater legal protection (access to a lawyer, etc.). The only legal basis for this practice is an internal police regulation on investigative operational methods.<sup>84</sup> In practice, individuals may be deprived of their liberty for

82. See Articles 46 (4)(3) and Articles 47 to 53 of the criminal procedure code.

83. See Chapter 1.1 Torture in police institutions. B The many motivations behind torture, p. 16

84. федеральный закон от 12.08.95 N 144-ФЗ (ред. от 29.11.2012 с изменениями, вступившими в силу с 10.12.2012) "об оперативно-розыскной деятельности", available at <http://www.referent.ru/1/66783>.

several hours. Operational conversations are regularly substituted for illegal interrogations and used to extract information or statements, often under coercion. In some cases, detainees have written statements under torture that were later used before the courts. Such individuals may then be released while awaiting trial without necessarily being transferred to police custody and therefore without undergoing the medical examination which might reveal signs of torture or ill-treatment. The European Court of Human Rights has ruled that such informal conversations constitute a violation of the right to a fair trial.<sup>85</sup>

Other forms of obstruction are known to take place. Lawyers requesting access to their client in police custody (IVS) or pre-trial detention (SIZO) may be told they require written authorisation from the courts or an investigator, although this is an unlawful procedure. Lawyers seeking access to a detainee who has been tortured or subjected to various forms of pressure while in prison are often denied entry on specious grounds. In some cases, lawyers are deliberately misled by law enforcement officials when trying to determine the location in which their client is being detained, or they may be threatened or harassed in an effort to discourage them from defending a particular individual.

Where an individual lacks the necessary financial means, the law provides for the appointment of a lawyer paid for by the State. However, it falls to investigators to choose the legal counsel. This gives them a discretionary power that affects the independence and impartiality of the chosen lawyer. The reality on the ground is that a form of complicity exists between State-appointed lawyers, the police, investigators, the public prosecutor and judges. Two men were tortured for several hours in a police station in the region of Nizhny Novgorod so that they would sign a document drafted by police officers in which they recognised their guilt. They told ACAT: "At 1 am a lawyer arrived and said hello to all the police officers. He didn't speak to us, he just asked us to sign the document". ACAT has recorded several similar stories of collaboration between lawyers and police officers, with some lawyers refusing to defend torture victims or encouraging them to confess to crimes they did not commit.

## B. USING CONFESSIONS OBTAINED UNDER TORTURE

Confessions obtained under torture are generally used as evidence by the prosecution and as the basis for convictions. Judges do not ask suspects if they were tortured or ill-treated while in detention. They rarely call for an investigation when an individual brought before them claims to have been tortured or shows visible signs of torture. Nor do they necessarily order an independent medical examination as part of an ongoing investigation. One man who signed a confession under torture and whose trial was ongoing in 2011 told ACAT: "The judge doesn't take torture allegations into account. They even came to the hospital to bring me to court even though I was hospitalised for what they had done to me. [...] The statements I made under torture have been maintained and all of the testimony that I included in the file, which shows that I was at a party on the day of the crime, has been disregarded by the court."

Judges rarely challenge the evidence used in an investigation. The approach adopted is such that any case processed by the judicial system must lead to a conviction, as is evident from the 1% acquittal rate in criminal cases. For a judge to officially identify an error or illegal act committed in a case would be to recognise that the system itself is flawed.

## C. FAILURE TO INFORM FAMILY MEMBERS OF DETENTION

Police officers are required to inform family members within 12 hours of an arrest taking place.<sup>86</sup> According to the 2011 law on police, "Each time an arrest is carried out, the police officer must [...] inform the individual arrested of his/her right [...] to inform relatives".<sup>87</sup> The same article stipulates that individuals arrested are entitled to a telephone call no more than three hours after their arrest. This entitlement, which did not exist prior to this legislation, can however be restricted to accommodate the investigation.<sup>88</sup> In practice it is common for families not to be informed of the location at which their loved ones are being detained. Detainees are regularly transferred from one location to another, deliberately impeding all communication with their lawyer or family members. Furthermore, detentions continue to be carried out in secret and unofficially, especially in Chechnya.

85. See for example ECHR, *Pavlenko v. Russia* (1 April 2010).

86. Article 96 of the criminal procedure code.

87. Chapter 4, Art. 14, para. 3 of the "Law on police".

88. Article 96 (4) of the criminal procedure code.

## D. FLAWS IN THE MEDICAL EXAMINATION PROCEDURE AT THE BEGINNING OF THE DETENTION PERIOD

All individuals should be allowed to undergo a medical examination when placed in police custody (IVS) and again when placed in pre-trial detention (SIZO). The detainee's health and physical condition must be recorded in a register, notably including any pre-existing injuries. Detainees are also entitled to a medical examination and a copy of the medical report if they have health problems. However, there are flaws in this procedure and rights violations are known to occur. Doctors are often indifferent or act negligently during the examination. Acts of complicity are also committed in relation to torture, with some doctors failing to note certain injuries in order to disguise what has happened or falsifying medical reports. In practice, few detainees actively request this document. Members of the public oversight commissions can request a medical report if the detainee agrees, but are often met with refusal on the part of the authorities.<sup>89</sup>

## III. DANGEROUS RETURNS TO COUNTRIES WHERE TORTURE PRACTICES EXIST

There are grave concerns relating to the return of individuals to countries where they are at risk of being tortured. The level of legal protection against torture in Russia is completely inadequate in the case of foreign citizens subject to an extradition request. This is aggravated by the development in recent years of the practice of abductions and illegal returns.

### A. BREACHES OF THE PRINCIPLE OF NON-REFOULEMENT

Until recently, where asylum requests were denied, the appeal procedure was not suspensive and claimants could be expelled at any time. Since a governmental decree was issued in April 2012, they are now protected against administrative expulsion except where they are subject to an extradition request by a third country. In this case, in practice claimants are not always granted the right to contest the decision before the courts. The public prosecutor is under no legal obligation to inform lawyers that there is an extradition order against their client, and when they are arrested and placed in detention, claimants are not always able to quickly contact their lawyer in order to appeal against the decision to extradite them.

In recent years, some Russian courts have refused to examine arguments relating to the risk of torture in expulsion or extradition procedures. In June 2012, the Supreme Court issued a decree emphasising the obligations of states under international law, and in particular the ban on torture. It called on the courts not to approve extradition requests where there is reason to fear that the individual affected may be subjected to acts of torture or ill-treatment in a third country. However, Russia has relied on the Shanghai Cooperation Organisation (SCO) to legally or illegally remove individuals who should benefit from the principle of non-refoulement. The SCO was established in 2001 by Russia, China, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan with the official aim of "strengthening mutual confidence and good neighbourly relations among the member countries". These States rely on their cooperation agreement and give it precedence over their obligations in terms of protecting human rights. Many people from central Asia seek asylum in Russia as they flee the religious, ethnic or political repression to which they are subjected in their home countries, ostensibly as part of the fight against terrorism. They are then pursued by secret services which use illegal methods in collaboration with the Russian authorities. Examples include false accusations, annulment of Russian nationality granted to nationals from these countries with a view to removing any obstacle to their extradition, and the illegal substitution of the extradition procedure with an administrative expulsion system that is easier and quicker to put in place. Any assessment of the risks of torture to which they might be exposed or the possibility of offering protection through asylum is thereby circumvented.<sup>90</sup>

The European Court of Human Rights (ECtHR) is the last resort for such individuals. Cases are regularly referred to the court as part of an emergency procedure<sup>91</sup> to prevent the Russian authorities from removing individuals who fear they will be tortured in a country which has requested their extradition.

89. See Chapter 4. III. Mitigated success of public oversight commissions, p. 61

90. For more on this, see the FIDH report 'Shanghai Cooperation Organisation: A vehicle for human rights violations', October 2012: [http://www.fidh.org/IMG/pdf/sco\\_report.pdf](http://www.fidh.org/IMG/pdf/sco_report.pdf).

91. Under Rule 39 (Interim Measures) of the Rules of the European Court of Human Rights.

## B. ABDUCTIONS AND ILLEGAL RETURNS

A practice of illegal transfers between Russia and Central Asian countries is currently being established. In 2011 and 2012, at least 10 people were abducted and later reappeared in Tajikistan and Uzbekistan, suggesting collaboration took place between the Russian authorities and the security services in these countries. Those who were abducted were the subject of extradition or expulsion measures that were difficult if not impossible to implement due to legal proceedings ongoing at the time. Most of the individuals concerned had referred their cases to the ECtHR, which had demanded the suspension of return procedures. Several victims of abductions have later reappeared in their home country, where they claim to have been tortured upon their return.

A Tajik national who was denied asylum, Nizomkhon Zhurayev, disappeared on 29 March 2012, most likely abducted by the Tajik security services in collaboration with the Russian authorities. He had referred his case to the ECtHR, which in November 2011 took interim measures to prevent his extradition from Russia. He reappeared in Tajikistan on 7 April, where the national television broadcast a statement by him indicating that he had left Russia of his own free will. His Russian lawyer and others close to him doubt the veracity of the statement, as he had fought not to be returned to his home country where he was at risk of being tortured and also because it would have been impossible for him to return on his own initiative without money or his passport, which is still in his lawyer's possession.

Other Tajik asylum seekers met with a similar fate. Savridin Zhurayev, who was kidnapped in Russia on 31 October 2011 and in April 2012 reappeared in Tajikistan, where he was sentenced to 26 years in prison, claims he was tortured while in detention. Abdulvossi Latipov, who was released from a detention centre in Volgograd in October 2012, was abducted and forcefully returned to Tajikistan despite a ruling by the ECtHR to suspend his extradition. His family told the story of his abduction in Russia: "Armed men dressed in black and wearing masks came into the house. They tied everyone up using heavy sticky tape to bind our arms and legs and blindfold us. They hit all of us and then put a padlock on the door as they were leaving to prevent any of us from getting out. When our friends arrived two hours later, they broke a window to get in. They looked everywhere for Abdulvossi, but he was gone, they had taken him away".<sup>92</sup>

Uzbeks are also targeted, as in the disappearance from Nizhny Novgorod of Azamatjon Eramkov, an Uzbek national whose request for asylum had been denied. While visiting him in prison, where he was serving a sentence, his lawyer discovered on 2 November 2012 that he had suddenly been released from prison that very day for no apparent reason. No one saw him or was able to contact him after his release. His case had also been referred to the ECtHR, which had ordered Russia not to expel him. "The best time [to abduct somebody] is when they are being released", according to Nadejda Yermolayeva, a lawyer who specialises in human rights "On the one hand, it's the moment when you know the person's precise location -- in the SIZO, or close to it. And on the other hand, it's also the moment when the government, the state, and the prison system no longer bear any responsibility for him. From that moment, he falls outside the legal framework, so it's the ideal time for a disappearance."<sup>93</sup>

An open letter was published in April 2012 by the representatives of several victims of abductions after a request was filed with the ECtHR.<sup>94</sup> It was addressed to members of the court and various other European bodies, denouncing the "systematic violation" by Russia of the interim measures adopted by the court under Rule 39 to prevent extraditions, as well as the complicity of the authorities, their denials and the absence of any measures to bring an end to such practices and protect victims.

92. RFE, 14 November 2012, 'In Russia, Fears of Central Asians Being Abducted to Face Rough Justice at Home': <http://www.rferl.org/content/russia-central-asia-abductions-kidnappings-rights/24770623.html>.

93. *Ibid.*

94. Letter by Memorial and others to the President of the European Court of Human Rights, the Commissioner for Human Rights, the Committee of Ministers, and the PACE Committee on Legal Affairs and Human Rights, 17 April 2012: <http://www.mhg.ru/files/012/CEEng.doc>.

## CHAPTER 3.

# TORTURE VICTIMS AND THE CHALLENGE OF SECURING JUSTICE

The majority of torturers continue to go unpunished. Various conditions combine to create such a climate, and it remains difficult for victims to secure justice. Where they have the courage to file a complaint, they are often met with the refusal to open an investigation and face the risk of reprisals. No more than a minority of cases come before the courts, and the sentences handed out do not necessarily reflect the seriousness of the crimes. Victims put themselves in danger if they file a complaint, especially in Chechnya, where a climate of silence and fear has destroyed all attempts to seek justice.

Despite several reforms of the federal criminal investigation committee, and in particular the creation in 2012 of a special investigative unit responsible for violations committed by law enforcement officials, little progress has been made to tackle the impunity of torturers. As a result, many victims continue to look towards Strasbourg and the European Court of Human Rights to seek justice.

### I. THE CHALLENGE OF FILING A COMPLAINT AND SECURING AN INVESTIGATION

In Russia it is crucial for torture victims looking for justice to secure an investigation. However, this is difficult to achieve, and even where an investigation is launched there is no guarantee it will be effective.

#### A. THE INVESTIGATIVE COMMITTEE AND ITS NEW SPECIAL UNIT: A CONTROVERSIAL STEP

Torture investigations fall under the responsibility of the investigative committee (Sledstvennyi Komitet – SK). The committee was set up in 2008 and was originally part of the public prosecutor's office (*procurature*), but was made autonomous in 2011 and is now directly controlled by the office of the President of the Russian Federation, i.e. the Kremlin.

Up to the spring of 2012, committee members investigated both ordinary crimes (murders, rapes, etc.) and violations committed by law enforcement officials. There was a conflict of interests however: the investigators had to rely on these officials in order to receive operational support in the course of their work, while at the same time investigating the possibility of criminal behaviour on the part of the same officials.

A coalition of NGOs recommended that the investigative committee set up a special unit working exclusively on crimes committed by law enforcement officials. Following the outcry generated by the Nazarov affair at the Dalny police station in Kazan in March 2012<sup>95</sup>, the committee decided to establish such a unit in the spring of 2012.<sup>96</sup> Officially, it is responsible for investigations into crimes committed by police officers or any other individual in a position of authority (*dolzhnostny litsa*), which in theory could also include members of the penitentiary administration. The special unit is made up of 60 investigators from across the country, 12 of whom form a management team. 10 people are assigned to Moscow and St Petersburg, with remaining staff members taking responsibility for the various federal districts. They are not only responsible for launching criminal investigations, but must also carry out preliminary enquiries to verify all allegations made. Severe criticism has been made in relation to the unit's inadequate human, financial and material resources, given the number of cases of torture and ill-treatment. Statistics from the committee for 2011 show that members of the police force were responsible for 4,400 crimes. Given that the number of allegations received by the committee is necessarily much higher, it is difficult to see how preliminary enquiries can be carried out effectively in all cases with such limited resources.

95. The details of this case are provided in Chapter 3. I. D. Media attention as a means of pressure, p. 48

96. Decree no. 20, which established a special unit to investigate crimes committed by law enforcement officials and was signed on 18 April 2012 by the head of the investigative committee.

Despite the reforms introduced in 2012 and the creation of a new special unit, little progress has been made in terms of investigating acts of torture. In January 2013, cases were being handled in practice by local offices of the investigative committee rather than by members of the new unit.<sup>97</sup>

Furthermore, the impartiality and integrity of the federal investigative committee raises serious questions, with grave accusations made directly against the head of the committee, General Alexander Bastrykin. The newspaper *Novaya Gazeta* reported that in June 2012 this senior civil servant and his bodyguard forcefully abducted one of its journalists, Sergei Sokolov, at night and took him to a forest outside of Moscow, where they threatened to kill him. “[Bastrykin] told him outright that they could kill him, in which case he would be in charge of the investigation”, the newspaper alleged in an open letter. The same newspaper also employed Anna Politkovskaya, whose assassination in 2006 was investigated by the same committee but never cleared up. Sokolov had written an article in 2012 that was highly critical of Bastrykin for covering the activities of the criminal group operating in the south of the country. The general denied the allegations, before finally admitting that he had threatened the journalist. He publicly apologised, explaining his behaviour as a “fit of anger”. However, his actions have never been investigated and he has not been sanctioned.

## B. OBSTACLES TO SECURING AN INVESTIGATION

“The key problem in the Russian justice system when it comes to acts of torture is trying to have an investigation opened by the investigative committee”, according to a former investigator from the procurature who was interviewed by ACAT and currently works for an NGO that campaigns against torture. All of the lawyers and human rights defenders who spoke to ACAT confirmed that this is a crucial element in seeking justice.

Several factors explain why it is so difficult to secure an investigation. First of all, investigators are reluctant to lower their success rate in solving crimes: if there is a chance that the culprit will not be found, they will not open an investigation. “It’s a question of statistics. If an investigation doesn’t lead to a conviction, the investigator will receive a poor rating or be denied his bonuses or be dismissed”, the former investigator told us. As a result, members of the investigative committee regularly limit their efforts to preliminary checks without launching a full investigation. A sort of informal investigative phase has in fact been developed. For example, suspects may not be formally “interrogated” or “placed in police custody”, but instead asked to participate in a “conversation”. It is only when enough evidence has been collected to charge a suspect – and in principle secure a conviction – at the end of this informal phase that an official investigation will be launched. If there are no “judicial prospects”, to borrow the term used by investigators, and if they are worried about lowering their success rate, they will not open an official investigation. This practice has led to a damaging mindset within the Russian criminal system: cases that enter the judicial system must ultimately lead to a conviction. 99% of verdicts in Russia are guilty verdicts.

The system also suffers from a lack of motivation as a result of the complicity between the police and investigators, as mentioned above. The investigative committee works alongside the police in carrying out its investigations. Staff are reluctant to investigate and prosecute colleagues or future collaborators. The new special unit was intended to provide a solution to this problem, but real change has yet to take place.

The decision whether or not to initiate an investigation also depends on the motives and rank of the officer being accused. An expert on the Russian legal system interviewed by ACAT explained this as follows: “When police officers act inappropriately because they are drunk or for personal reasons, it is possible to secure a conviction in the Russian courts. If officers engage in torture in order to extract a confession, it’s different because it’s linked to the system”. The former investigator offered the following analysis: “If it’s a young police officer without any connections, it will be easier to secure an investigation, but if the case involves high-ranking officers it will be impossible”. S. was beaten during a police interrogation and filed a complaint with the procurature and the investigative committee at both local and federal levels. He told ACAT that two members of the local investigative committee told him outright that they would not open an investigation because the accused had too much protection, particularly within the procurature and the investigative committee. Since 2010, there has been no progress made in the case.

97. In each of Russia’s federal subjects, an investigative committee leads investigations locally in respect of its territorial jurisdiction, and at the central administration of the investigative committee in Moscow an investigative department covers each of the country’s eight federal districts. This department includes offices and investigative teams on the ground, including members of the new special unit which is supposed to handle such cases. See the official website of the federal investigative committee of Russia: <http://sledcom.ru>.

Statements made by the police often carry more weight than the allegations made by victims when it comes to opening investigation. “The investigators interrogate the suspects, who deny everything. On the basis of their statement alone, the investigators will decide whether or not to open an investigation”, explained the former investigator. A victim interviewed by ACAT provided similar testimony: “I filed an allegation of torture in October 2010, but they refused to open an investigation 12 times over a period of one year. The procurature refused to do so solely on the basis of statements made by police officers in which they denied responsibility. Each time, the public prosecutor concluded in their favour. There were no efforts to investigate, to reconstruct the crime scene or to summon for interrogation those involved”. In fact, the decision not to launch an investigation very rarely has any legal ground or doesn’t provide a motivation. “Often the acts of torture are not even mentioned”, the former investigator told us.

If an individual who claims to have been tortured is the subject of an investigation, the authorities are even less likely to listen. His allegations will be seen as a strategy to avoid justice. “And where victims already have a police record, it just reinforces the view that they are offenders looking to escape liability. It won’t work in their favour”, says the former investigator.

Natalia Taubina, from the NGO Public Verdict, also points out that investigators are evaluated in terms of their respect for the rights of the accused, a measure that was implemented following calls from human rights defenders. As a result, investigators refuse to open certain cases so as to avoid the risk of a poor evaluation.

Complainants can appeal against a decision to refuse to open an investigation. In many cases, the courts overturn the decision and call for an investigation to be opened. The investigator then carries out further checks, but in general will decide once again not to open an investigation. This “checks-rejection-appeal” cycle may be repeated many times and last several years. Once an investigation has been opened, the case can nonetheless be suspended or closed altogether. In the Mineev affair, which was handled by Committee against Torture, an NGO from the Nizhny Novgorod region, there were initially 26 refusals to proceed with the case. It was then closed with no further action taken, before the prosecution was ultimately initiated. Following rejections over a period of several years, the evidence needed can disappear, further damaging the prospects of an effective investigation.

### C. INEFFECTIVE, DISTORTED AND BOTCHED INVESTIGATIONS

When investigations are finally opened, they are often botched or lie dormant. Ivan Kozlov, who was subjected to torture in the Mari-El Republic, provided the following testimony: “Since 2006, I have seen countless investigators. I’m sick of repeating my story and seeing the investigation closed. Nothing happened during the first year after I filed my complaint. They systematically refused to launch an investigation. One year later, the procurature admitted that the police had beaten me [during an interrogation] and opened an investigation. But nothing happened. One of the obstacles was that two representatives from the prosecutor’s office were involved. They came into the room while I was being tortured. They saw everything yet did nothing. One of them is a former assistant prosecutor who has since become a member of the investigative committee in the city of Yoshkar-Ola”.

In June 2010, Ruslan Baranov died while being provisionally detained at colony no.1 in the Izhevsk region (Udmurt Republic). He was beaten to death. A human rights defender and member of the local public oversight commission, Larissa Fefilova, who campaigned to secure an investigation and bring the case before the courts, told ACAT: “Four investigators took turns handling the case. The first three tried to block everything. Only the fourth one finally took him seriously. We didn’t have the power to ask for the case to be transferred to another investigator”.

In the highly publicised Magnitsky affair involving the Russian lawyer who died in a SIZO after several months in detention<sup>98</sup>, several observers spoke of collusion at the highest level of State that allowed the torturers and all of those involved to enjoy total impunity. Marie Jégo, a journalist with *Le Monde*, spoke of a case “littered with lies, perfidy, false testimonies and hidden evidence”.<sup>99</sup> The investigative committee initially refused to open an investigation before finally succumbing to the pressures of public opinion. The only person to be prosecuted was ultimately acquitted in December 2012, and the investigation was officially closed in March 2013 on the basis that “the investigation established no objective proof that Sergei Magnitsky had been the victim of crimes. [...] The decision to place Magnitsky in provisional detention was made in compliance with the law and with sufficient cause [...] he was subjected to no pressure, physical violence or torture”.

98. See Chapter 1. II. Torture practices in the prison system. B. Frequent use of torture and ill-treatment, p. 26

99. *Lemonde.fr*, Marie Jégo, 11 December 2012, ‘Affaire Magnitski : l’histoire sordide d’un machiavélisme d’État’: [http://www.lemonde.fr/europe/article/2012/12/11/affaire-magnitski-l-histoire-sordide-d-un-machiavelisme-d-etat\\_1804010\\_3214.html](http://www.lemonde.fr/europe/article/2012/12/11/affaire-magnitski-l-histoire-sordide-d-un-machiavelisme-d-etat_1804010_3214.html)

## D. MEDIA ATTENTION AS A MEANS OF PRESSURE

Sometimes it is necessary for a case to create a scandal in the eyes of the public before an investigation can be opened or reopened.

In February 2012, Pavel Drozdov died at a police station in Kazan (Republic of Tatarstan, 500 miles east of Moscow). On 1 February, he had been placed in detention on charges of being drunk and disorderly. A few hours after he was put in his cell, a doctor pronounced him dead and officially recorded the cause of death as acute pancreatitis. At the morgue, his family noticed that his body showed signs of injury, but the officers in charge refused to open an investigation. Eight months later, the family's lawyer was able to gain access to the video recording of Drozdov's cell.<sup>100</sup> The footage shows the detainee in a calm state sitting on a bench. A few minutes later, he gets up and speaks to one of the officers outside his cell. Five police officers then enter the cell. Drozdov tries to move away, but he is brutally pinned to the ground and beaten. His hands are handcuffed behind his back and attached to his ankles in a position known as the "swallow", which causes intense pain in the joints. The men then leave the cell. 10 minutes and 30 seconds into the video footage, a police officer re-enters the cell to untie the victim's hands from his ankles, then a little later two others return to remove the remaining ties from the now unconscious detainee. A man enters to turn the body over and check for a pulse. He exits again, leaving the lifeless body behind. The victim's body is then removed from the cell.

The investigator in charge of the affair had this video in his possession from the outset. It was only when the case was closed that the family's lawyer was able to see it. He made a copy and released it online. Only after the footage was released did the authorities agree to re-examine the facts in light of the recording.

In the same city, another scandal caused public outcry and forced the authorities to respond. In March 2012, 52-year-old Sergei Nazarov died following an interrogation by police officers from Dalny police station. They tried to frame him for theft and acts of vandalism that he had not committed. They falsified the documents needed for his detention, and in order to extract a confession sodomised him with a champagne bottle. The victim died in hospital after suffering a rupture of the rectum. The outcry provoked by this affair stretched even beyond the borders of Russia, leading to an investigation and the prosecution of several police officers.

It would appear that this case has led to a certain amount of progress in units responsible for investigations with regard to the "judicial prospects" of torture allegations made against police officers. According to NGOs which campaign against torture, there was an increase in 2012 in the number of criminal investigations initiated and those that led to a trial.

## E. ACUTE DIFFICULTIES FACING VICTIMS OF TORTURE WHILE IN DETENTION

Individuals subjected to torture or ill-treatment while in prison in effect have no option to file a complaint. In a recent case, the European Court of Human Rights was asked to examine not only the remedies available to inmates wishing to file a complaint about their detention conditions with the prison authorities, the public prosecutor, an ombudsman or the courts, but also whether or not these remedies were likely to have any effect. It concluded that the current judicial system in Russia offered inmates no effective recourse that could bring an end to inhuman or degrading conditions of detention.<sup>101</sup>

The testimonies recorded by ACAT confirm this reality. Vladimir Osechkin, who was detained at SIZO no. 10 in Mozhaysk, told us that "for years the rights of detainees in that SIZO were not respected and their complaints against the actions of the administration were not passed on. These inmates would write their complaints, mainly relating to beatings. The head warden would collect their complaints in the morning, but instead of passing them on to the relevant bodies, he was told by the director of the SIZO to give them to a colleague, who burned the letters in front of the inmates. Their views were completely and illegally censored". A warden from Butyrka SIZO in Moscow provided similar testimony: "The prisoners' complaints are so often ignored that an expression was developed: 'they are currently being examined by General dustbin'. Prisoners do not receive any written confirmation that their complaints have been filed and are not entitled to receive a response".<sup>102</sup>

It is particularly exceptional for torture allegations in penitentiary facilities to be investigated. NGOs offering legal aid to torture victims explained to ACAT that prison wardens usually claim that inmates attacked them and that they had to defend themselves. Where the death of an inmate occurs, it is often claimed that he committed suicide, self-harmed or was ill. Investigators base their enquiries on the official version and decide not to open an investigation. "It is difficult to prove anything in prison", one NGO representative told us. "Detainees are isolated

100. See video footage released by the Centre for Human Rights in Kazan: <http://www.investigation.ru/en/video-gallery/video/23.html>.

101. ECHR, *Ananyev and others v. Russia*, 10 January 2012.

102. RFE/RL, 21 November 2011, 'A Lone Voice Tries To Reform Russia's Prisons From Within': [http://www.rferl.org/content/reforming\\_russias\\_prisons\\_from\\_within/24397864.html](http://www.rferl.org/content/reforming_russias_prisons_from_within/24397864.html).



and vulnerable in prison. They are harassed and often end up withdrawing their complaint.” In such cases, media attention can also lead to an investigation. Following the release online of video footage in November 2012, the investigative committee launched an investigation for abuse of power and detained five penitentiary officials from colony no. 10 in Rostov-on-Don (Rostov region). The footage shows men beating a new inmate who has refused to wear his prisoner’s uniform.<sup>103</sup>

## F. TOTAL BLOCKADE ON INVESTIGATIONS IN CHECHNYA

In Chechnya, a total blockade is placed on investigations. At the highest level of the Republic, a system has been put in place to protect and ensure the impunity of law enforcement officials. As part of its examination of the Russian Federation in November 2012, the United Nations Committee against Torture said it was “concerned at the State party’s failure to investigate and punish the perpetrators of [torture and ill-treatment, abductions, enforced disappearances and extrajudicial killings], despite the establishment of Agency No. 2 of the Chechen Republic investigation department for particularly important cases”.<sup>104</sup>

It should also be noted that of the 427 complaints relating to enforced disappearances with heightened risk of torture filed with the investigative committee of the Chechen Republic between 2007 and 2009, not a single case was brought before the courts.<sup>105</sup>

A report by the European Committee for the Prevention of Torture (CPT) also reveals that of the 272 complaints of “illegal investigative methods” (ill-treatment) received by the investigative committee of the Chechen Republic between 2009 and the beginning of 2011, only two led to the opening of an investigation. In all of the other cases, it was decided to reject calls for an investigation.

The ECtHR, which has handled many complaints of enforced disappearances in Chechnya, issued a major ruling in December 2012 in which it said that the absence of investigations in Chechnya “must be characterised as resulting from systemic problems at the national level, for which there is no effective domestic remedy”.<sup>106</sup> Since 2002, it has issued more than 120 rulings against Russia in relation to grave human rights violations in the North Caucasus. None of these cases has yet seen an effective investigation.<sup>107</sup>

Lawyers and human rights defenders point to the fear, lack of motivation and incapacity of investigators, who refuse to take statements from victims or witnesses and discourage victims and their families from filing a complaint for torture or enforced disappearances.

Those who have the courage to take legal action must deal with a lack of cooperation on the part of officials facing allegations, who refuse to show up when summoned or provide requested documents. Investigators may be subject to threats or even be beaten if they dare conduct investigations for torture crimes. Senior figures from the Chechen Republic’s investigative committee and public prosecutor’s office explicitly told a delegation from the CPT in 2011 that the authorities under the responsibility of the Interior Ministry (MVD) were not co-operating: the information requested was not being provided, replies were repeatedly late or were written as mere formalities, and they were denied access to certain locations.<sup>108</sup> In the same vein, the assistant prosecutor of the Republic openly stated that the procurature had no control over investigations in Chechnya, that the Chechen investigative committee was unable to carry out its work, and that crimes were even being covered up by some investigators.<sup>109</sup>

There has been one single investigation into acts of torture in Chechnya, in the case of Islam Umarpashaev. This was secured following sustained effort and risk on the part of the victim, the human rights defenders who assisted him and even the federal investigators involved.

The young man was arrested in Grozny in December 2009 having posted comments online in which he expressed his anger over the acts being committed by Chechen police officers. He was placed in secret detention for four months in a building belonging to the police unit with responsibility for special operations (OMON), which falls under the responsibility of the Chechen Interior Ministry. He was kept chained to a radiator in the basement, where he was beaten. During his detention, his loved ones, who had received no news, filed a complaint for enforced disappearance. In the absence of an effective investigation, they filed a request with the ECtHR in January 2010 with the help of the NGO Committee against torture.

103. Caucasian Knot Rostov-on-Don, ‘Five colony wardens arrested on suspicion of beating prisoner’, 30 November 2012: <http://www.eng.kavkaz-uzel.ru/articles/23056/>.

104. United Nations Committee against Torture, Concluding observations on the fifth periodic report of the Russian Federation, 11 December 2012, Section 13, available at: <http://www2.ohchr.org/english/bodies/cat/cats49.htm>.

105. Fifth periodic report of the Russian Federation to the United Nations Committee against Torture, Section 377 (December 2010), available at: [http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.RUS.5\\_en.pdf](http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.RUS.5_en.pdf).

106. ECHR, *Aslakhanova and others v. Russia* (18 December 2012), Section 217.

107. *Ibid.*

108. European Committee for the Prevention of Torture, Report to the Russian Government on the visit to the North Caucasus region (published in January 2013), Section 25: <http://www.cpt.coe.int/documents/rus/2013-01-inf-eng.htm>.

109. The letter he sent to the Nizhny Novgorod branch of Committee against Torture was published in the 29 September 2011 issue of *Rusky Reporter*.

According to Umarpashaev, his captors handed him over to the district police just before his release. As a condition for his release, the police demanded false statements from him and claimed that instead of being placed in detention, he had gone on holidays to Dagestan, a neighbouring Republic. Under their terms, his family were also required to withdraw their complaint to the ECtHR. Unlike all other torture victims in Chechnya, Islam Umarpashaev decided not to remain silent and maintained his allegations.

Following threats and obstructions to the investigation, the plaintiff asked for the case to be transferred to a federal level, which was granted in January 2011.

Unusually, significant progress was very quickly made. The detention centre and some of those responsible for his detention were identified. However, during a long time, the investigative team faced a lack of cooperation from OMON representatives, who refused to show up when summoned, provide the documents requested or allow the investigators access to the premises where the victim was detained. The interrogation of the OMON officers was finally conducted and pieces of evidence have been almost all gathered.<sup>110</sup>

## II. THREATS AND REPRISALS AGAINST COMPLAINANTS

Many victims do not have the courage to file a complaint for fear of reprisals against themselves or their loved ones. In several cases brought to the attention of ACAT, victims who had made allegations were subjected to threats and intimidation in order to encourage them to withdraw their complaints.

### › Threats, payoffs and reprisals

Y., who was tortured during a police interrogation in Arzamas (Nizhny Novgorod region) in September 2010<sup>111</sup>, referred his case to several federal bodies in Moscow and an NGO which offers assistance to victims of torture (Committee against Torture) in an effort to secure justice. The police officers involved were clearly made aware of this and arrested him once again. 20 men dressed in plain clothes showed up at his house one evening in December 2010. They pushed him to the ground, handcuffed him and put him in a vehicle. “That was when I saw the same men who had arrested me the first time. They put a pistol against my hip. They asked me why I had contacted the authorities in Moscow and that NGO. As we headed to Arzamas during the night, they said to me ‘We’re going to take you to a forest and kill you’. The car turned onto a small forest road. They told me to get out and I fell onto the asphalt, injuring my head and knees. They were carrying objects that looked like weapons and they told me to run into the forest. I refused and they beat me until I lost consciousness. They put me back in the car and took me to the police station in Arzamas. There they beat me and tried to strangle me. [...] The next day I was driven to the hospital and the doctor insisted on placing me in emergency care. I had suffered cranial trauma, a broken ankle and a broken knee.”

Alexei Yakimov, who was tortured by police officers in Nizhny Novgorod<sup>112</sup>, was also subjected to various threats and forms of intimidation throughout the legal procedure. He was approached by individuals in front of his home soon after filing a complaint. He told ACAT: “Those men asked me to sign a paper saying that the police had done nothing to me. I refused”. Some time later, he says he was “sitting on the terrace of a cafe with friends. Two men approached us, watched us for a while and left again. 20 minutes later, a bus pulled up and armed masked men got out. They looked like they belonged to spetsnaz units. They surrounded us, put us face down on the table, searched us, handcuffed us and drove us to a police station in another district. I was put standing against a wall for two hours. A guy in uniform finally gave me back my papers and told me to leave. They didn’t ask me one single question and I was never told the reason for my arrest. The next day, I received another phone call and a voice told me to withdraw my complaint. I said not only was I not going to withdraw it, but that I would file a new complaint relating to my illegal arrest the previous day. Following my complaint, I received a response saying that I had never been arrested or detained in that location and that I had never been seen there. We managed to identify the two men who had shown up at the cafe. They were interrogated by the procurature and said that we looked suspicious, which is why they called for the bus, but that they had omitted to issue formal notice. They “apologised” for failing to respect the procedure. That was the way it was for 18 months of the procedure, alternating between threats and offers of a payoff in exchange for the withdrawal of my allegations”.

110. The statement of a key witness awaiting a refugee status abroad is expected to be collected in the framework of the judiciary agreements between the Russian Federation and the European countries.

111. See Chapter 1. I Torture in police institutions. B. The many motivations behind torture, p. 16

112. See Chapter 1. I Torture in police institutions. C. Primary torture methods, p. 19

Several complainants told ACAT that they had been offered payoffs by their torturers in exchange for withdrawing their allegations or changing the details so the case could be reclassified as a minor offence. Some may be tempted to accept the offer and abandon the legal proceedings, while others persevere.

In an enclosed space such as the prison environment, detainees who wish to complain expose themselves to an increased risk of reprisals. Zubair Zubairayev decided to file a complaint against the assistant director of penitentiary colony no. 25 in Frolovo, where he was being detained and had been tortured. He was violently beaten in order to get him to sign a formal withdrawal of his complaint. The prison authorities have always denied the allegations, suggesting that his injuries were simply a result of the blows that he inflicted upon himself and that "each time the detainee damaged his own health, he received appropriate care".

Victims are also sometimes denied medical care when doctors do not wish to be associated with possible legal proceedings involving State officials. In September 2012 in Saint Petersburg, Mukhammadnaim Shakhdorov was violently attacked, beaten with a bat and strangled by police officers simply for being a Tajik national. When the doctors from the emergency services realised that he had been beaten by police officers, they suddenly refused to admit him to hospital or carry out an examination, saying: "The disease is not ours" and "It is a home trauma". They diagnosed him with "contusion of the thorax" and released him with a prescription for an analgesic.<sup>113</sup>

### > The fear and danger of filing a complaint in Chechnya

A climate of fear dominates the Chechen Republic. The testimonies recorded by ACAT reveal that victims and their families no longer dare to file complaints for torture or enforced disappearances on the basis that to do so would be both dangerous and futile. The only acts of torture recognised by the Chechen authorities are those committed by the Russian federal forces prior to 2005. Everything relating to grave violations committed under the current regime is considered taboo. It has become difficult for NGOs to record testimonies. Where they manage to do so, the families are afraid and refuse to file a complaint. Witnesses no longer want to take part in legal proceedings as they fear for their safety.

Doctors refuse to testify. If victims admit themselves to hospital, they must not say they have been tortured or the medical staff will refuse to carry out an examination. The names of victims are regularly left out of medical reports, which contain little information or disappear altogether in mysterious circumstances.

In exceptional cases where an investigation is opened in Chechnya, as in the case of Islam Umarpashaev mentioned above, threats, harassment and intimidation are used against the victim, his family or witnesses. When the investigation was transferred to a federal level in January 2011 and quickly progressed, the level of threats and intimidation from the OMON officials who had detained and tortured the victim increased at the same time. Protective measures were put in place, but they proved futile. One of the police officers assigned to protect Umarpashaev helped a member of the OMON hierarchy to arrange a meeting with him and his father in which he threatened them with negative consequences if they did not withdraw the complaint.

Umarpashaev and his family were ultimately forced to flee Chechnya and seek refuge in another region of Russia. Despite this, threats continued to be made against him and even against the Russian human rights organisations which were supporting him, as well as the federal investigative team responsible for the case who, during the investigation, tried to visit the OMON premises to gather evidence but received threats from OMON officials that they would open fire if they tried to enter.<sup>114</sup>

### > Ineffective State programme for the protection of victims and witnesses

Officially a State programme has been put in place to protect victims and witnesses. The law provides for such protection to be granted only to individuals taking part in criminal proceedings. No protection can be provided before an investigation has been opened, yet as already pointed out, this may take several months or even years. Furthermore, this programme has been harshly criticised and is not considered to be effective, especially when it comes to crimes committed by State officials.

Two men filed a complaint after being subjected to violence by six police officers in Nizhny Novgorod on 3 March 2012. This quickly resulted in the department for special affairs within the regional investigative committee launching legal proceedings. On 21 January 2013, the director and assistant director of the department for criminal investigations from the police station concerned were arrested for violent abuse of power, something never before seen. The case quickly became highly sensitive and the victims were threatened. The court hearing took

113. Anti Discrimination Center Memorial, 'Roma, Migrants, Activists: Victims of Police Abuse', p 31 (2012): [http://www2.ohchr.org/english/bodies/cat/docs/ngos/FIDH\\_RussianFederation\\_CAT49.pdf](http://www2.ohchr.org/english/bodies/cat/docs/ngos/FIDH_RussianFederation_CAT49.pdf)

114. See ACAT-France's urgent appeal, 'Russie: Une victime de torture à nouveau menacée' (March 2011): [http://www.acatfrance.fr/appeL\\_urgent\\_detail.php?archive=ok&id=310](http://www.acatfrance.fr/appeL_urgent_detail.php?archive=ok&id=310).

place in an extremely tense atmosphere. A group of police officers attended the hearing clearly determined to put pressure on the victims. The investigators from the committee also received threats from police officers. However, the two victims who benefited from the witness protection programme seemed particularly vulnerable due to the inefficacy of the unit responsible for providing this protection.

In the case involving Dalny police station in Kazan, the investigators also received threats from police officers who had already been convicted or those who supported them.<sup>115</sup>

### III. A FLAWED JUDICIAL SYSTEM

Despite a series of reforms to the judicial system over the last 20 years, the Russian courts are still unable to guarantee independent, impartial and fair justice and respect for the law. 92% of respondents in a study carried out by the Levada Centre in 2010 said they did not have faith in the Russian judicial system.<sup>116</sup>

A few cases involving torture make it to the courts and a small number of torturers are convicted thanks to the sustained efforts by several NGOs which obtain an investigation. In these cases, the courts usually rule in favour of the plaintiffs, meaning that the main problem in torture crimes tends to relate more to the blockages upstream in the criminal justice system than to the attitudes of judges. The NGOs recognise that this is a drop in the ocean compared to the number of allegations made in the country, and suggest that the prevailing climate of impunity allows the torture phenomenon to continue despite the high-profile scandals that emerge sporadically and the symbolic dismissal of some officials.

#### A. A CORRUPT JUDICIARY CONTROLLED BY THE EXECUTIVE

The corruption and pressure exerted within the country's vertical power structure, together with the hierarchy of the judicial system, make it possible to control judges at all levels. Those who refuse to cooperate may be removed from the case and have any prospect of promotion blocked. Many torturers and their superiors continue to benefit from impunity through a system of protection and collusion with those in power. In the Magnitsky affair, the main culprits, who were never approached by the police, are thought to have considerably improved their lifestyle<sup>117</sup>, while the only accused in the case, a chief medical officer charged with negligence, was ultimately acquitted in December 2012. The judgement caused indignation among members of the independent investigating commission who had gathered overwhelming evidence of torture inflicted upon the lawyer while in prison and had identified those responsible.

#### B. CONVICTIONS TARGETING SUBORDINATES AND LOW-RANKING OFFICERS

Those convicted are often subordinates and low-ranking officers. Their superiors, who may have instigated or offered their tacit or explicit consent for the acts of torture committed, are rarely the subject of an investigation. They are usually protected by the system and escape all legal proceedings. Oleg Khabibrakhmanov, from the NGO Committee against Torture and a member of the public oversight commission in the Nizhny Novgorod region, reports that in cases involving torture in prison facilities, "no prison director has been convicted in Nizhny Novgorod. It is difficult to prosecute senior figures. Several prison officers have been charged and even convicted, but the director 'saw nothing'. Those who carry out the acts are convicted, but their superiors are untouchable". In just one single case, the director of a prison facility in Kopeisk (Chelyabinsk region) was investigated. In 2008, in colony IK1, four detainees died after being subjected to acts of torture. Despite attempts to falsify the cause of death – the prison authorities and the investigative committee had tried to disguise the deaths as the result of a mutiny –, the director was ultimately charged. "This case could have been one of the first major trials for torture, but the director was only given a suspended sentence and was not removed from office, and the others involved received sentences of just two years", said one human rights defender from the region. Things do not appear to have changed. In 2010, another detainee was killed in the same facility. An investigation was initiated, but it is thought that his wife was subjected to harassment in order to force her to withdraw the complaint.

115. Kazan Centre for human rights, СК проверит информацию об угрозах следователям, расследующим пытки в отделе полиции «Дальний» (14 January 2013): <http://www.investigation.ru/en/news/police/821-sk-proverit-informacziyu-ob-ugrozax-sledovatelyam-rassleduyushhim-pytki-v-otdele-policzii-ldalnijr.html>.

116. Levada Centre, Отношение россиян к судебной системе (2010):

[http://www.beafnd.org/common/img/uploaded/files/Otchet\\_po\\_sudebnoiy\\_reforme\\_naselenie\\_saiyt\\_tvolna.pdf](http://www.beafnd.org/common/img/uploaded/files/Otchet_po_sudebnoiy_reforme_naselenie_saiyt_tvolna.pdf).

117. See Le Monde article by Marie Jégo, 'Affaire Magnitski : l'histoire sordide d'un machiavélisme d'État' (11 December 2012):

[http://www.lemonde.fr/europe/article/2012/12/11/affaire-magnitski-l-histoire-sordide-d-un-machiavelisme-d-etat\\_1804010\\_3214.html](http://www.lemonde.fr/europe/article/2012/12/11/affaire-magnitski-l-histoire-sordide-d-un-machiavelisme-d-etat_1804010_3214.html).

### C. SENTENCES THAT DO NOT REFLECT THE SERIOUSNESS OF THE CRIMES

In many cases, the sentences handed down for acts of torture are lenient compared to the seriousness of the offences committed. In 2010, three police officers from the Republic of Buryatia (south-eastern Russia) arbitrarily arrested a 20-year-old man and tortured him in order to extract a confession for acts of theft. They beat him, placed a gas mask over his head and repeatedly closed the air valve before subjecting him to electric shocks. The young man lost consciousness several times and the officers threw cold water over him to bring him round and force him to sign a confession.<sup>118</sup> In January 2013, they were convicted, given suspended sentences of 3 to 4 years in prison and removed from their duties.

In the case of Alexei Yakimov, who was severely beaten in a police station in Nizhny Novgorod before being thrown in the Volga and left for dead<sup>119</sup>, the victim's two torturers were found guilty of abuse of power and convicted to three years in prison. In the case of Ivan Kozlov, who was tortured in the Mari-El Republic in 2006 by police officers who wanted him to confess to murdering his girlfriend<sup>120</sup>, the trial was finally held in June 2012, leading to the conviction of four officers: two received prison sentences of 18 months and two were given suspended custodial sentences of 4 years.<sup>121</sup>

In a rare court ruling, one suspended prison sentence was overturned. Ruslan Baranov was tortured at colony no. 1 in the Izhevsk region (Udmurt Republic) in June 2010 and died from his injuries. In a statement made just before his death, he identified four prison wardens as those who had carried out the acts of torture. In 2011, a murder investigation was launched, and in 2012 just one of the wardens was given a suspended prison sentence. The case was brought before the Supreme Court of Udmurtia for collusion between one of the judges and the lawyer of the accused. In a ruling issued by the court in November 2012, considered to be a judicial "miracle" by the human rights defenders who had followed the case, the suspended sentence was overturned and a fresh trial was ordered at the district court.<sup>122</sup>

Where a conviction was secured in the cases involving work by the NGO Public Verdict, 60% of the sentences were prison sentences and 40% were suspended. The organisation has suggested that the sentences being handed down are undoubtedly stricter than 10 years ago, but that it is impossible to obtain reliable statistics as the authorities do not release them in any detail. This lack of transparency does not allow analysts to consider the different phases of the criminal justice system and the progress of each case, especially when it comes to ascertaining whether there are currently more allegations of torture than before or if such cases lead to sentencing because the investigative committee is working more effectively.

### D. RARE DISCIPLINARY MEASURES

Torturers are rarely suspended from duty and disciplinary measures appear to be exceptional. Suspects are sometimes even promoted despite the charges issued against them. Ivan Kozlov, who was interviewed by ACAT in October 2011, had the following to say about his torturers: "The police involved were all low-ranking officers. Not only did they keep their jobs, but they have since been promoted". The same is true of Pavel Guryanov, who was tortured in 2010 and saw the police officer responsible continue to carry out his duties and receive a promotion despite the charges brought against him. The officer was finally convicted on 28 April 2012 and given a prison sentence of three and a half years.<sup>123</sup> Following the Kazan scandal in March 2012, the Interior Minister of Tatarstan, Asgat Safarov, notorious for his use of heavy-handed methods, resigned in an unprecedented move in Russian political circles, where senior civil servants are not accustomed to assuming responsibility for the acts of those under their authority. He publicly apologised and said he was "ready to face any sentence". However, there was an about turn two months later when he was made Deputy Prime Minister of the Republic.<sup>124</sup>

Disciplinary sanctions must be issued within six months of the offence committed. Yet the authorities are more willing to do so where a judgement has been handed down by the courts. The problem is that between the time of an offence and the subsequent court ruling, one or even several years may have gone by.

118. Itar-Tass news agency, 10 January 2013, 'Three ex-policemen receive suspended sentences for torturing detained man in Buryartia': <http://www.itar-tass.com/en/c32/617474.html>.

119. See Chapter 1. I Torture in police institutions. C. Primary torture methods, p. 19

120. See Chapter 1. I Torture in police institutions. C. Primary torture methods, p. 19

121. Committee against Torture (NGO): <http://www.pytkam.net/o-komitete.opisanija-del.respublika-mariy-el/406>.

122. dayudm.ru, Верховный суд УР отменил «условный» приговор, вынесенный сотруднику колонии, причастному к смерти заключённого (7 November 2012): [http://www.dayudm.ru/article/52866/index.php?ELEMENT\\_ID=52866&print=y](http://www.dayudm.ru/article/52866/index.php?ELEMENT_ID=52866&print=y).

123. Committee against Torture (NGO), 'Former police major Kuzmenkov is awarded 3.5 years of imprisonment for torturing a Nizhny Novgorod resident' (28 April 2012): <http://www.pytkam.net/mass-media.news/930/pg2>

124. Kazan Times, 'Ex-police chief back in govt after misconduct scandal', 29 May 2012: <http://kazantimes.com/politics/ex-police-chief-back-in-govt-after-misconduct-scandal/>.

## E. THE PROBLEM OF REPARATION

There is no system in place to provide torture victims with medical and psycho-social rehabilitation. The payment of compensation is the only form of reparation provided by the law. Victims can only take their case before a civil court and submit a request for damages only if the initial trial led to their torturers been convicted. This means that the obstacles placed on investigations or the absence of an effective investigation, as described above, prevent torture victims from receiving financial compensation.

It is up to the courts to determine the amount of compensation, either when they issue their verdict or at a later stage. They enjoy discretionary powers in this regard, as the law does not stipulate specific amounts or a scale to be respected in terms of compensation payments.

Alexei Yakimov told ACAT: "I filed a civil complaint against the Finance and Interior Ministries to receive compensation for moral and bodily harm. [...] I was awarded 200,000 roubles (around €5,000). The Finance Ministry appealed, but the appeal was rejected. So I should receive this compensation".

According to NGOs that provide torture victims with legal aid, the amount of compensation awarded by judges has increased in recent years, but the courts are inconsistent in their rulings.<sup>125</sup>

## IV. REFERRING TO INTERNATIONAL MECHANISMS

Given the obstacles that can prevent Russian plaintiffs from seeking justice for acts of torture, many of them turn to international bodies. The ECtHR in Strasbourg is the only international court whose rulings are binding for Russia. It has become an essential and often inevitable source of justice for Russian claimants.

### A. EUROPEAN COURT OF HUMAN RIGHTS

Russia only ratified the European Convention on Human Rights in 1998, and the court's first ruling in relation to a violation by Russia of Article 3 (prohibition of torture and inhuman or degrading treatment or punishment) was not issued until 2006.<sup>126</sup> Despite this, since the establishment of the court, Russia is the second most convicted State for acts of torture.

Almost one quarter of all cases submitted to the ECtHR come from Russia, the origin of the highest number of requests: 23,400 referrals from Russian citizens were pending before the court's various chambers in August 2013.<sup>127</sup> 15% of these cases concern acts of torture or ill-treatment.

The Russian State, which is regularly convicted, pays victims the amount of financial compensation set by the court. In December 2012, one torture victim was paid €47,000 in damages after the court found that Articles 3 and 6 (right to a fair trial) had been violated. The court found that Timur Tangiyev, who was serving a prison sentence of nearly 24 years, had been tortured at the time of his arrest and while in police custody. He had been beaten, burnt with cigarette butts and matches as well as electrocuted in order to force him to confess to the murder of two police officers. The court also found that the investigation into these acts of torture had not been carried out effectively and that the confessions obtained under torture had been admitted by the court and formed the basis of its guilty ruling.<sup>128</sup>

Until 2010, in most of the cases involving enforced disappearances in Chechnya which were brought before the ECtHR by the NGO Russian Justice Initiative, the plaintiffs were awarded around €35,000 as moral compensation for the breaches committed; this figure rose to €60,000 in 2010. In most cases, the disappeared person, now presumed dead, was responsible for providing the household with a salary. This compensation is often the only form of reparation that victims receive, as the authorities refuse to recognise the arrest or detention or to prosecute those responsible.

Apart from the payment of this financial compensation, the Russian State has refused to implement the measures or reforms demanded by the ECtHR with a view to preventing further breaches of the Convention.

The court can ask the State, as an individual measure, to reopen internal legal proceedings, release an individual who has been arbitrarily detained, or to repeal or revoke existing measures or judgements. Legal experts interviewed by ACAT pointed out that in several torture cases they had tried to have an investigation reopened on the basis of the ruling issued by the ECtHR. However, the authorities refused to do so, arguing

125. Russian NGO Shadow, 'Report on the Observance of the Convention against Torture by the Russian Federation for the period from 2006 to 2012' (October 2012): [http://www2.ohchr.org/english/bodies/cat/docs/ngos/report\\_CoordinationPVF\\_RussianFederation\\_CAT49.doc](http://www2.ohchr.org/english/bodies/cat/docs/ngos/report_CoordinationPVF_RussianFederation_CAT49.doc)

126. ECHR, *Mikheyev v. Russia* (26 January 2006).

127. European Court of Human Rights, Pending applications allocated to a judicial formation, 31/08/2013 [http://www.echr.coe.int/Documents/Stats\\_pending\\_month\\_2013\\_BIL.pdf](http://www.echr.coe.int/Documents/Stats_pending_month_2013_BIL.pdf).

128. ECHR, *Tangiyev v. Russia* (11 December 2012): <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-115209>.

for example that a statute of limitations applied or that an amnesty was in place, and failed to take any steps to respect the court's ruling.

Because of the many and diverse cases brought before the ECtHR, it has become a de facto mechanism that is crucial in monitoring Russia's judicial system. It has adopted several general measures designed to prevent further identical breaches of the Convention, for example by calling for changes to case law or existing legislation. Because of the massive influx of applications relating to similar problems and stemming from chronic failures at an internal level, the court has implemented another procedure known as "pilot" judgements. This has allowed it to identify structural problems, and it has called on the Russian government to comply with the Convention by adopting specific measures within a particular timeframe.<sup>129</sup>

In 2012, for example, it identified a recurring structural problem relating to conditions of detention that was due to the operating failures of the prison system (inadequate private space in cells, shortage of bedding space, limited access to light and fresh air, lack of privacy in toilet facilities, etc.). It proposed solutions to reduce prison overcrowding and called on the Russian State to set specific deadlines for the implementation of preventive and compensatory mechanisms.<sup>130</sup> This pilot judgement was issued following 80 other judgements which since 2002 had found Russia to be in breach of Articles 3 and 13 (right to an effective remedy). More than 250 similar cases are currently pending before the court.

As already pointed out<sup>131</sup>, the court also found in December 2012 that the lack of investigations following disappearances in the North Caucasus was a systemic problem.<sup>132</sup> It has issued more than 120 rulings concerning similar violations in the region for which no effective investigation has been carried out, and around 100 other comparable cases are currently pending before the court.

However, according to Russian legal experts interviewed by ACAT, the real impact of these measures on torture practices is virtually null<sup>133</sup>. More than 210 rulings have been issued in relation to grave human rights violations in the North Caucasus, for example, yet not one of them has been respected. Not only are the reforms called for not implemented, but the government has actually sought to restrict the right of victims to bring cases before the ECtHR. It caused unnecessary delays in ratifying Protocol no. 14 to the Convention, which finally introduced improvements in the way the court functions, allowing it to deal with the exponential rise in applications it receives, in particular from Russia. The Russian authorities have intimidated plaintiffs, their lawyers and human rights defenders who have supported applications before the ECtHR. What is more, they have not always been willing to provide the court or plaintiffs with documents at the disposal of investigators.

In 2011, tensions led to poor relations between Russia and the ECtHR following a ruling by the court that challenged a decision by Russia's Constitutional Court in a case relating to parental leave. The case was made political when President Medvedev and the President of the Constitutional Court challenged the prevalence of international law – and therefore ECtHR rulings – over the Russian constitution, even citing the need to introduce a mechanism that would protect national sovereignty against such rulings. A draft bill was submitted to parliament providing for ECtHR judgements against Russia to be applied only if the Constitutional Court finds them to comply with the constitution. The Russian human rights community reacted vehemently, denouncing the bill as unconstitutional (the Russian constitution recognises the prevalence over national legislation of international legal norms signed by Russia, such as the European Convention on Human Rights). The bill was ultimately withdrawn during the summer of 2011.

## B. UNITED NATIONS

The Russian Federation is a State party to the United Nations Convention against Torture and the International Covenant on Civil and Political Rights. It has recognised the competence of the Committee against Torture and the Human Rights Committee, the two bodies responsible for ensuring compliance with these two treaties, to examine individual communications made by Russian victims. These two bodies are competent to consider torture allegations, yet their findings are not always considered by States parties to be legally binding, in contrast to rulings issued by the court in Strasbourg. This explains why Russian plaintiffs tend to look to Strasbourg rather than Geneva for help. It also explains why the Human Rights Committee has issued very few judgements relating to acts of torture or ill-treatment involving Russia.<sup>134</sup> The Committee against Torture has issued no such judgement.

129. See the court's first pilot judgement against Russia: *Burdov v. Russia* (no. 2) (15 January 2009), which related to Russia's failure to respect domestic judicial rulings in more than 200 cases referred to the ECtHR and the absence of any domestic remedy for plaintiffs. See also *Ananyev and others v. Russia* (10 January 2012), which related to the dysfunctional prison system. Finally, see *Aslakhanova and others v. Russia* (18 December 2012), which addressed the systemic lack of investigations into enforced disappearances in the North Caucasus.

130. ECHR, *Ananyev and others v. Russia* (10 January 2012).

131. See Chapter 3. I. F. Total blockade on investigations in Chechnya, p. 49

132. See Chapter 3. I. F. Total blockade on investigations in Chechnya, p. 49

133. ECHR, *Aslakhanova and others v. Russia* (18 December 2012).

134. See the recent Human Rights Committee decision in *Zyuskin v. Russia* (Communication No. 1605/2007), 19 July 2011.

The Russian Federation periodically submits to these committees a report on human rights and the prevention and punishment of torture, as in 2012 when it submitted a report to the Committee against Torture.<sup>135</sup> The concluding observations issued by these bodies are highly critical of the Russian State, although it should be noted that some of the recommendations made in the past have been implemented by the Russian authorities, notably with the introduction of a public oversight commission.

In contrast, there has been no cooperation with United Nations special procedures in recent years. The UN special rapporteur on torture has not visited Russia since 2006, having cancelled his last visit when the authorities refused to allow him entry to the North Caucasus. Despite renewing his request for an invitation in 2010, he has been unable to carry out any further missions to the country. The working group on enforced disappearances has been awaiting authorisation and a mission date since 2007, and the working group on arbitrary detention since 2008. The special rapporteur on the situation of human rights defenders has been awaiting an invitation since 2004, and his counterpart on extrajudicial executions since 2000.<sup>136</sup>

### C. EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE

The European Committee for the Prevention of Torture (CPT), part of the Council of Europe, aims to prevent torture and inhuman or degrading treatment or punishment in places of detention within Council member states. Each year committee members travel to Russia in order to assess the treatment of detainees and the conditions at detention facilities. Nearly one out of every two visits is devoted to the North Caucasus. It is noteworthy that since 2007 the CPT has not issued a public statement<sup>137</sup>, a step taken when a State refuses to cooperate or when the committee feels there has been no progress made in relation to its recommendations.

However until January 2013, the Russian authorities had always refused to publish the committee's reports. Russia was in fact the only Council of Europe member State which systematically opposed such a move. In January 2013, Moscow authorised the publication of a report on a 2011 visit to the North Caucasus, i.e. almost two years later.<sup>138</sup>

The Russian delegation also promised to publish CPT reports during its review before the UN Committee against torture in November 2012.

135. See the Consideration of the fifth periodic report submitted by Russia to the 49th session of the Committee against Torture (November 2012), available at: <http://www2.ohchr.org/english/bodies/cat/cats49.htm>; see also the Consideration of the sixth periodic report submitted by Russia to the Human Rights Committee (October 2009), available at: <http://www2.ohchr.org/english/bodies/hrc/hracs97.htm>.

136. See visits to Russia by special procedures on the website of the Office of the High Commissioner for Human Rights: <http://www.ohchr.org/EN/countries/ENACARRegion/Pages/RUIndex.aspx>.

137. CPT, Public Statement concerning the Chechen Republic, 13 March 2007: <http://www.cpt.coe.int/en/states/rus.htm>.

138. Report available at: <http://www.cpt.coe.int/documents/rus/2013-01-inf-eng.htm>.



## CHAPTER 4

# THE WORK OF CIVIL SOCIETY IN PREVENTING AND PUNISHING TORTURE: SUCCESSSES AND LIMITATIONS

NGOs make a vital contribution to the fight against torture, as is made clear by the latest shadow report to the UN Committee against Torture<sup>139</sup>, which was submitted by a group of 13 specialist organisations.<sup>140</sup> These organisations raise awareness, provide training and legal aid and carry out advocacy work in favour of crucial reforms.

More broadly, the issue of torture and ill-treatment is increasingly denounced within civil society, primarily through the media and social networks. In recent years, criticism of police and penitentiary institutions has become widespread, with a large number of individual initiatives and the creation of associations, projects or websites which very quickly ensure media attention focuses on cases of torture.<sup>141</sup>

However, although the wider public is increasingly informed about such fundamental rights violations, the weakness of Russia's legal system, the lack of faith in its public institutions, and the inadequate resources of organisations to cover all of the country's territory mean that the large-scale mobilisation required to tackle the current situation is not possible.

### I. ACTIVITIES TO COMBAT TORTURE

Several NGOs across the country play a very active role in combating torture. Since the beginning of the 2000s, an increasingly professional movement has led to the development and reinforcement of Russian NGOs. The skill sets and human, material and financial resources of these organisations nonetheless vary from one body to another, and their activities are diverse and varied. Some organisations focus solely on acts of torture committed by the police, others on torture within the prison system. It is because of the sustained efforts of several NGOs and human rights defenders that some torture cases make it before the courts and some torturers are ultimately convicted. Indeed, human rights organisations are forced to do the work of the State in several areas in order to attenuate the inadequacies and failings of the system.

#### A. CIVIC INVESTIGATIONS AND LEGAL SUPPORT

Several NGOs offer victims legal support to obtain reparation and secure convictions for their torturers. Faced with the inaction of the police and investigators who refuse to launch an enquiry, NGOs began to take new initiatives at the beginning of the 2000s. The NGO Committee against Torture developed a civic investigative method which has since been adopted and developed by other NGOs. When a victim makes allegations of torture, the organisation carries out its own investigation: it records testimonies, gathers evidence and ensures the victim undergoes an independent medical and psychological examination. "The idea is to provide so much evidence that the investigators have no other choice but to bring the case before the courts", explains Igor Kaliapin, the organisation's director who has put in place teams of independent investigators to carry out this work. They have had to invent new ways of gathering and producing evidence without any special powers and without being officially qualified to do so. Around 15 NGOs in Russia currently use this method as part of their

139. Russian NGO Shadow Report on the Observance of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by the Russian Federation for the period from 2006 to 2012 (October 2012):

[http://www2.ohchr.org/english/bodies/cat/docs/ngos/report\\_CoordinationPVF\\_RussianFederation\\_CAT49.doc](http://www2.ohchr.org/english/bodies/cat/docs/ngos/report_CoordinationPVF_RussianFederation_CAT49.doc)

140. Public Verdict Foundation, Civic Assistance Committee, Memorial Human Rights Center, Soldiers' Mothers of Saint Petersburg, Independent Psychiatric Association, Interregional Committee against Torture, Human Rights Institute, Russian Justice Initiative (Utrecht), Legal Assistance Astreya (Moscow), Moscow office of Penal Reform International, International Human Rights Youth Action, Krasnoyarsk Public Committee for Human Rights Protection, and the Center of Civic Education and Human Rights in the Perm region.

141. See for example [www.gulagu.net](http://www.gulagu.net), which was set up by Vladimir Osechkin after his release from prison (see Ch. 1).

work, including Public Verdict in Moscow, Man and Law in Yoshkar-Ola (Mari-El Republic) and the Centre for Human Rights in Kazan.

Any citizen can legally represent another individual with their authorisation. This means that human rights defenders can represent torture victims, giving them access to all of the information contained in their file and allowing them to provide legal representation in court. Unlike a lawyer, however, they are not entitled to be present at the time of police custody. Lawyers lobby to end this system. Several lawyers interviewed by ACAT argue that the system is not sufficiently controlled and that some “representatives” improvise without legal authority or adequate knowledge of the legal system, and in some cases even extort money from victims or their families who do not know any better. Some human rights defenders met by ACAT have suggested that pressure could be put on lawyers, in particular by their bar associations, and that there is a high degree of complicity between lawyers and representatives from the Interior Ministry or within the judiciary. Some lawyers encourage their clients to plead guilty in return for a more lenient or suspended sentence and even discourage victims from filing complaints for torture.

Where a case is subjected to a total blockade, NGO representatives provide assistance in bringing it before the European Court of Human Rights (ECtHR). The first successful torture case committed by police officers brought before the ECtHR involved a Russian victim who submitted his application in 2001 with the help of the NGO Committee against Torture.<sup>142</sup> “It was the very first ECtHR ruling to set a precedent for torture in Russia, and today is still one of the most important cases”, suggests Igor Kaliapin. Former police officer Alexei Mikheev was arrested in 1998 in Nizhny Novgorod, where he was interrogated for several days and tortured as part of an investigation. In an effort to escape the abuse being inflicted upon him, he jumped out of a window. He suffered an injury to the spine and has since been paralysed. It was only after his case was brought before the ECtHR that the two police officers responsible were prosecuted and convicted by the Russian courts.

The number of complaints received by Committee against Torture increases twofold each year, evidence that victims are increasingly keen to protect themselves with the help of NGOs. “We have had several successes since 2000, when the organisation was first set up”, says Kaliapin. “We were the first to take legal action against those responsible for acts of torture in Russia. Prior to that, the problem had been completely neglected and there had been no successful cases. We have helped hundreds of people. Out of 500 cases brought before the courts, over 100 State officials, police officers mainly, have been convicted. The victims have received a total of nearly €500,000 in compensation for acts of torture.” Just recently, in February 2013, two former police officers were sentenced to 13 and 5 years in prison respectively in the region of Nizhny Novgorod, thanks to the efforts of the NGO. The officers tortured Sergei Titorov at his home and later at the police station in an effort to force him to admit to an administrative offence that he had not committed. Their actions resulted in his death. They had already been tried on two occasions: they were first acquitted in 2011, and in 2012 the main culprit was sentenced to just four years in prison.<sup>143</sup>

The NGO Public Verdict, which provides legal assistance to victims of violations committed by law enforcement officials, says that it has worked on more than 450 cases since 2004, around 100 of which were still ongoing at the beginning of 2013. Each year, between five and seven trials begin. Since 2004, around 70 cases (15%) ended in a conviction, with more than 100 State officials receiving sentences. Over the last 10 years, the work done by the Kazan Center for Human Rights on torture cases in the Republic of Tatarstan has led to 39 convictions.<sup>144</sup>

In Chechnya, following the assassination of several human rights defenders in 2009, including Natalia Estemirova from Memorial, the NGOs working in the region put their activities on hold. Several Russian NGOs decided to set up a joint mobile group (Svodnaya Mobilnaya Grupa – SMG) to carry on the work of Estemirova and pursue investigations into acts of torture, disappearances and other human rights violations. Because of the danger faced by Chechen human rights defenders and those with permanent residency in Grozny, the team is made up of legal experts and NGO representatives from the rest of Russia who work in rotation in the Chechen Republic for a month at a time. It is primarily due to the investigative work and persistent efforts of the SMG on the abduction and inhuman treatment suffered by Islam Umarpashaev that an investigation was finally launched.<sup>145</sup> Such ad hoc groups have also been formed to investigate individual cases of violence perpetrated by the police or within the prison system: in Blagoveshchensk in 2005, Sochi in 2006 and recently following the riots in Kopeisk in December 2012.

142. ECHR, *Mikheyev v. Russia* (26 January 2006). See also the New York Times article, ‘Human rights court orders Russia to pay for torture’, 31 January 2006:

[http://www.nytimes.com/2006/01/31/world/europe/31iht-police.html?\\_r=0](http://www.nytimes.com/2006/01/31/world/europe/31iht-police.html?_r=0).

143. Committee against Torture (NGO), 5 February 2013, ‘The ex-policemen who beat to death Sergey Titorov, a former paratrooper, were sentenced to 13 and 5 years imprisonment’: <http://www.pytkam.net/mass-media.news/953/>.

144. As of 1 February 2013: <http://www.investigation.ru/en/main-page.html>

145. See Chapter 3. I. F. Total blockade on investigations in Chechnya, p. 49

During the course of these investigations and because of the inefficacy of State programmes to protect victims and witnesses, NGOs sometimes have to put in place informal protective measures (exfiltration, temporary residency in secure locations, support during legal procedures, etc.).

## **B. PSYCHO-SOCIAL REHABILITATION AND TRAINING PROGRAMMES**

“Working with victims of torture, violence and other humiliating or degrading treatment makes it clear that they need not only legal aid, but also some form of psychological and psycho-social rehabilitation”, says Natalia Taubina from the NGO Public Verdict. “Without such intervention, it is impossible to fully compensate for the damage suffered and allow them to truly regain a proper social life.” The trauma they suffer extends well beyond the acts of torture and can lead to health problems as well as difficulties in daily life such as in the workplace, acquiring new skills or in social relationships. “The wounds inflicted by torture can also impede legal assistance, as the fact of reawakening the trauma suffered and the stress that went with it can prevent victims from fully taking part in investigative procedures”, adds Taubina. The Russian State does not offer any medical or psycho-social rehabilitation programmes for torture victims. To make up for this failing, a small number of NGOs have in recent years found the necessary resources to offer such services. For example, Public Verdict has since 2007 been running psychological rehabilitation programmes across the country. Building on this experience, the NGO has set up training programmes in several Russian regions. Other similar initiatives have also been developed.

Programmes offering psycho-social support can also target State officials, especially the many veterans of the Chechen war who are currently working for the police and prison authorities and continue to adopt an approach based on violence. In 2010, the NGO “Social Partnership” established a psychological rehabilitation project for more than 700 officials from the police and prison system from across Russia who fought in the North Caucasus. The aim of the project is to eradicate habits that tend towards violent methods in an effort to reduce and prevent police and prison violence and the use of torture, and also to promote fundamental rights. Efforts to raise awareness about the ban on torture and human rights training programmes are offered by several organisations across the country. In order to make up for the shortage, or even lack of, modules relating to the prohibition of torture and respect for fundamental rights in the initial training programme offered to police officers, some organisations try to offer training on these issues. Seminars are also held for representatives from the prison authorities, lawyers, judges, public prosecutors and investigators to raise awareness and encourage both the prevention and punishment of torture.

ACAT met with representatives from the NGO Man and Law, which is based in Yoshkar-Ola (Mari-El Republic). Its members have started to work alongside the prison authorities in a facility for minors. A good level of cooperation has been established, allowing them to raise awareness among minors about their rights and also among the prison authorities about human rights norms and standards of detention. The NGO observed certain improvements, especially in the attitude adopted by wardens. Training seminars were subsequently held for all of the prison authorities. Projects targeting police officers followed, enabling the introduction of human rights modules into training programmes at a regional level. More than 500 seminars have now been held across Russia involving officials from the prison system and the Interior Ministry, as well as investigators, public prosecutors and judges. The NGO believes that these training activities, combined with oversight of detention facilities and the introduction of a legal remedy against the use of torture, have helped contain the torture phenomenon within the Mari-El Republic. Not enough to eradicate it completely, however; a fundamental change to the system, the NGO says, would require political will at the highest level.

## II. THE INVOLVEMENT OF CIVIL SOCIETY IN INSTITUTIONAL REFORMS

Several NGOs have acquired a certain level of expertise and the ability to analyse torture practices through the work they carry out. This skill set puts them in a position to make proposals to amend certain laws and establish or improve mechanisms for the prevention and punishment of torture.

Since the mid-2000s, formal bodies designed to facilitate dialogue and partnership between the regime and NGOs have been established. These have led to the inclusion of certain recommendations made by NGOs in the policies and reforms that have been put in place.

The Civic Chamber of the Russian Federation (*Obshchestvennaya Palata*), which reports to the Kremlin, is a consultative body that includes permanent or ad hoc working groups made up of experts from civil society in particular. It can be convened to address a particular problem, call expert hearings and issue recommendations for the benefit of public institutions. It intervened for example following the death of Nazarov at a Kazan police station in March 2012<sup>146</sup>: the Civic Chamber organised hearings that contributed to the establishment by the investigative committee of the special unit responsible for investigating crimes committed by police officers. Furthermore, the broader “civic” or “public” oversight mechanisms (*obshchestvennyj kontrol*) have led to the creation of consultative councils made up of civil society members who cooperate with all of the public administrations, in particular the Interior Ministry and the prison authorities. Their members are mostly high-profile figures from the world of culture and media. Their role is ambiguous, as they are required both to monitor the policies of these administrations and to defend them before the public. In Moscow, they may include certain well-known active members of civil society, but at a regional level they usually include figures with close ties to the administration.

Finally, the permanent Consultative human rights council, which advises the office of the Russian President, offers debates and proposals relating to human rights issues. It underwent reforms in the autumn of 2012 following the departure of several figures as a result of the increasingly hardline policies adopted in Kremlin. It includes a certain number of permanent commissions that study, for example, prison reforms, corruption and police violence. Their members can call on external experts, which at least allows the main civil society organisations to have their say before the council. Several of the NGO representatives interviewed by ACAT, including Andrei Babushkin and Igor Kaliapin, belong to this new body.

Of course, the main question facing all of these bodies is the extent to which they have a real impact on the current situation and the decisions taken by the authorities in order to address existing problems. The organisations concerned have suggested that this impact remains limited.

Independently of these bodies, NGOs carry out important advocacy work. A coalition of NGOs was formed in 2009 when the Interior Ministry announced the reforms that would lead to the 2011 Law on Police. A working group at the ministry was set up during the preparation of the draft legislation. However, the inclusion of civil society was no more than a facade, and participants felt that the effectiveness of their participation and the prospects of amending the bill were extremely limited. “Everything was done to give the illusion that civil society organisations were helping to draft the bill. But their views were neither heeded nor even discussed”, said Natalia Taubina from Public Verdict.

Human rights defenders were also behind the introduction of a mechanism to monitor detention facilities, while Russia has yet to ratify the Optional Protocol to the UN Convention against Torture. The idea to put in place an independent body to monitor prisons in Russia was first put forward by Valery Borshchev, a human rights activist from “Social Partnership”. Following a visit to prisons in the United Kingdom in 1997, he took inspiration from the country’s Prison Board of Visitors. Borshchev was a member of the Duma at the time and in 1999 submitted a bill to the parliament which was adopted and came into force in 2008.<sup>147</sup> It took nearly 10 years and several restrictive amendments to the draft legislation before the public oversight commissions (*Obshchestvennye Nabludatel’nye Komissii – ONK*) could finally be established.

146. See Chapter 3. I. D. Media attention as a means of pressure, p. 48

147. Federal law no. 76 FZ on monitoring the respect of human rights in detention facilities.

### III. MITIGATED SUCCESS OF PUBLIC OVERSIGHT COMMISSIONS

These commissions are now in place across the country. They are made up of members of civil society and responsible for monitoring the treatment of detainees and ensuring they are protected against torture and cruel, inhuman or degrading treatment and punishment. They carry out visits to detention facilities and can receive complaints from detainees concerning rights violations. ACAT was able to observe the work of several human rights defenders who serve on the Moscow commission during visits to detention facilities. ACAT also took part in a roundtable discussion in Moscow which included participation by commissions from several regions, and as part of the mission interviewed members from these commissions in each of the visited regions .

The achievements of these commissions after a few years in existence is ambivalent and highly varied from one region to another. All of the commission members interviewed by ACAT feel that their existence is in itself a significant step forward and that the monitoring of detention facilities by civil society representatives has had a very positive impact. The work carried out by some members has allowed them to gain access to detainees who were previously isolated, improve conditions of detention in several facilities, and bring an end to certain human rights violations. Their regular visits, the monitoring work carried out, the recording of violations and the reports they submit to the authorities have helped to prevent instances of ill-treatment.

Despite the high-quality work being done by many commission members, ACAT noted several limitations that have a negative impact on the effectiveness and independence of their work, beginning with administrative obstacles.

The system for appointing members does not safeguard the independence of these commissions. NGOs propose civil society representatives as members, but the decision to appoint them falls to the Civic Chamber of the Russian Federation, which is under the authority of the Kremlin.

“In the commissions, a lot of people have nothing to do with human rights. There are military personnel and police officers. Complicity with the administration impedes effective and objective monitoring”, says one commission member from the Moscow region. Half and in some cases two-thirds of commission members are usually chosen from associations of army veterans, former members of the procurature, the FSB, the prison authorities or those with close ties to the political authorities. These appointments damage the independence of the commissions. Such nominees turn a blind eye and refuse to report violations. There have been reports of collusion in recent years between commission members and State bodies in Mordovia, Chelyabinsk, Volgograd and Irkutsk, to name but a few regions affected. This state of affairs has undermined the credibility of the ONKs, and detainees no longer have faith in the institution.

Furthermore, some commission members who also work as human rights defenders have been the target of reprisals. Examples include Alexei Sokolov and Dmitri Rozhin, members of the public oversight commission in the Sverdlovsk region. In April 2009, they carried out several visits to prison facilities in the region, drew up a major report and referred cases to the relevant authorities. Sokolov, who directs an NGO that campaigns against torture, had previously reported several cases of torture and produced a documentary on the same issue. His activities were not welcomed by the authorities. When a press conference was organised to report the failings of the police, both men received threatening phone calls from police officers. A few hours later, a criminal investigation was initiated against them. Sokolov was arrested a few weeks later. In 2010, he was sentenced to 5 years in prison; this was reduced to 3 years on appeal following bitter legal proceedings that were marred with irregularities. His conditional release was finally authorised in August 2011.<sup>148</sup> The investigation into Dmitri Rozhin was ongoing at the time of writing.

Unannounced visits are not authorised. The commissions must receive prior authorisation. The law does not stipulate a specific timeframe, simply that notice in writing must be given. Practices vary depending on each individual region and commission. Some commissions enjoy sound relations with the authorities and can give notice at the last minute, especially in emergency cases (where they are contacted by detainees or family members for a serious violation). One commission member from Nizhny Novgorod said that on occasion he had asked a colleague to send a fax a few minutes before showing up: “In such cases the authorities are not happy, they hassle us about various details but we manage to get in in the end”. Other commissions mentioned that the prison authorities ask them to announce their arrival two or three days in advance, while in other cases the problem relates to working relations with other commission members. One member of the public oversight commission in Saint Petersburg stated in 2011: “Our chairman asks us to declare our visits 24 hours ahead of time, and there is an unwritten rule that visits should not be carried out on weekends or at night”.

148. Alexei Sokolov and Dmitri Rozhin interviewed by ACAT in October 2011; see also ACAT urgent appeals, ‘Russie : Harcèlement judiciaire et risque de torture’ (September 2009), ‘Condamnation arbitraire d’Alexei Sokolov’ (June 2010), and ‘Suivi Alexei Sokolov : Risque de torture’ (September 2010).

Some commission members also told ACAT of obstacles placed in their way by the authorities, who sometimes deny them access even if they have received authorisation. Such obstruction may also affect their access to certain cells, detainees or documents, especially in the case of violations committed by the authorities.

Interviews with detainees are never confidential, but are always held in the presence of prison representatives. Valery Borshchev and Zoya Svetova, members of the Moscow commission interviewed by ACAT, said that “this measure undermines the effectiveness of our visits. Detainees do not want to talk in front of a prison representative about their conditions of detention or the treatment to which they have been subjected, because as soon as the commission members leave they are in danger of suffering reprisals”.

The NGO For human rights (*Za prava cheloveka*) has suggested that geographic limitations are also an obstacle: “If a detainee is transferred from Moscow city to the Moscow region (*oblast*), the Moscow city commission cannot visit him. If a detainee is transferred to Krasnoyarsk, we can’t monitor his file. Some commissions communicate with one another and can help each other out, but that’s usually very difficult”.

The commissions also face a shortage of financial resources. Their members receive no remuneration and carry out their activities in their own free time. By law, all expenditure related to the mandate of a commission member must be covered by the NGO who puts the candidate forward.<sup>149</sup> Some NGOs are unable to finance the equipment or transport needed; these come at a significant cost, especially where detention facilities are remote as in the Sverdlovsk region. One commission member from Saint Petersburg told us in 2011: “We have no fax, Internet or computers. We have to use our own personal means”.

The Civic Chamber has resources at its disposal to organise training seminars and conferences for the commissions. Financial assistance can also be provided on a case-by-case basis. However, ONK members from various regions of Russia who were interviewed by ACAT feel that this money is poorly used and complain that it is not managed more effectively. Some commissions have got around this problem by sourcing their own financing. They do this by creating a separate entity that can receive grants from international organisations, thereby allowing them to finance premises, transport and even one or two permanent staff members to register complaints and take care of daily affairs. The situation remains highly variable from one commission to another, and several commissions are really struggling to carry out their work due to a lack of resources.

When cases are referred to the commissions by detainees alleging rights violations, after first carrying out an initial enquiry they must report their observations to the relevant authority, which in turn issues a response. However, they do not have any binding powers that would allow them to exercise any real control, and the lack of cooperation from some establishments makes effective prevention and monitoring impossible. The commissions depend on the acquiescence of the authorities. “The administration sometimes listens to us and implements recommendations. But it also hides information, hinders our work and lies to us”, one commission member from Moscow explained. The commission members interviewed by ACAT denounce the inaction of the administration in several cases, as well as the failure on the part of the relevant authorities to reply or launch an enquiry following the submission of commission reports. Following the death of Sergei Magnitsky in 2009, the Moscow city commission led an inquiry and issued a report calling for an investigation into several individuals, including prison officers and investigators, and even the lead investigator in the Magnitsky affair. These recommendations were not followed. Just one low-ranking prison officer was prosecuted, but was ultimately acquitted in December 2012.

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149. Article 91 of federal law no. 76-FZ.

## IV. ACTS OF REPRESSION AGAINST HUMAN RIGHTS DEFENDERS

Far from protecting human rights activists, the Russian authorities have launched campaigns to denigrate them and have sought to intimidate them, not only in Chechnya, where activists are particularly at risk, but throughout the whole of Russia. Such acts of repression have considerably intensified against civil society since the return of Vladimir Putin to the Kremlin in March 2012.

### A. HEIGHTENED ACTS OF REPRESSION AGAINST NGOS

A series of repressive laws were adopted by the Duma in record time in 2012. One piece of legislation adopted in July 2012 stigmatises NGOs that receive foreign funds by compelling them to register and publicly identify themselves as “foreign agents”, a term which in Russia has very negative connotations and is associated with espionage. Without a warrant and for a period of six months, the authorities can suspend the activities of an organisation. The law provides for civil and criminal sanctions and has introduced new administrative obligations on top of the already demanding requirements in place.

The vast majority of NGOs have refused to register under this new label. In November 2012, the NGOs Memorial and For human rights found their office buildings covered in graffiti that read “foreign agent”. In February 2013, 11 Russian NGOs challenged the new legislation before the European Court of Human Rights as a breach of their freedom of association and freedom of expression.

In March 2013, a wave of inspections was initiated on an unprecedented scale by the Interior Ministry, the Ministry of Justice and the Tax Inspection. They targeted structures that had not registered as “foreign agents”, such as Memorial, Public Verdict, For human rights and Amnesty International. The office of the public prosecutor officially announced that it planned to inspect thousands of organisations across Russia. Most of the searches took place without prior notice. In some cases, the inspectors refused to present the documents granting them authority to carry out the inspection, yet they demanded that representatives from the NGOs immediately hand over the documents they had requested. Several NGOs have claimed that the inspections exceeded the framework of the legislation and that the inspectors were looking for “extremist” publications or tried to inspect their computer files.

By coincidence, on the very day that the offices of Memorial were being searched, the UN adopted a resolution to protect human rights defenders, calling on States to repeal domestic laws that criminalise activities campaigning for human rights or which restrict sources of foreign funding.

In November 2012, another worrying piece of legislation that deals with high treason was passed by the president. It broadens the definition of this crime and could be used to criminalise international activities that campaign in favour of human rights. Its provisions stipulate that Russian activists can be charged for “activities directed at harming Russia’s security”; examples include the mere fact of meeting members of international NGOs, informing foreign governments about the human rights situation in Russia, or submitting reports on rights violations to UN committees or other international institutions.

Civil society organisations also lost a major source of financing following Russia’s expulsion of the United States Agency for International Development (USAID) in October 2012 and a ban on all of its activities within the country. USAID financed several Russian NGOs, including Golos, which publicly denounced the March 2012 presidential elections as being fraudulent. The so-called Dima Yakovlev law, which was passed at the end of 2012 in response to the Magnitsky Act adopted by the US Congress<sup>150</sup>, also prohibits financing from American organisations for NGO activities carried out in Russia.

The government has not only sought to intimidate and discourage human rights defenders from carrying out their work, but has also endeavoured to discredit them and marginalise them in the eyes of the wider public. Public declarations made by the government against NGOs have increased sharply, generating a very hostile climate for fundamental rights activists.

150. The Magnitsky Act, which was adopted by the US Congress in 2012, bans Russian officials suspected of being behind the killing of Sergei Magnitsky from receiving a visa. The Russian law that was adopted in response prevents Americans from adopting Russian children.

## B. HUMAN RIGHTS DEFENDERS SUBJECTED TO ATTACKS, THREATS AND LEGAL HARASSMENT

In recent years across Russia, human rights activists have had to face physical attacks and threats. In June 2011, Memorial member Bakhrom Khamroev was violently beaten in the stairwell of his building as he was on his way to meet an Uzbek who was the subject of an extradition request, in order to help him submit a request to the European Court of Human Rights. The attack appeared to have been carefully planned. Khamroev had already been attacked a few months earlier. Also in June of that year, Olga Sadovskaya, deputy director of the NGO Committee against Torture in Nizhny Novgorod, which coordinates the activities of the mobile group in Chechnya<sup>151</sup>, was on her way back from Strasbourg where the Parliamentary Assembly of the Council of Europe had just awarded her organisation the Human Rights Prize. She found graffiti on a building in her district which read “Olga Sadovskaya supports terrorists and extremists”. In October 2012, a researcher with Human Rights Watch in Moscow, Tanya Lokshina, received several anonymous text messages threatening her and her unborn baby and disclosing information about her pregnancy and personal life. These details could only have been obtained by monitoring her private correspondence. In February 2013, Magomed Abubakarov received threatening messages on his telephone. Abubakarov, a Chechen criminal lawyer, works on sensitive cases involving abductions, torture and the fabrication of criminal accusations by law enforcement officials in the North Caucasus. He reported the threats to the police and provided them with the telephone number from which they had been received. It would appear that no investigation has been carried out. He had already been threatened on several occasions in the past in the course of his professional activities, and was also seriously injured in December 2011 in a suspicious car accident involving the police.

Few of these acts of intimidation have been investigated in any detail, and fewer still have resulted in successful prosecutions. It is sometimes difficult to identify those responsible for attacks or threats. State officials may be involved. Groups or individuals are also encouraged to commit such acts both by the dominant discourse of the authorities, who describe human rights defenders as enemies, and by the prevailing climate of impunity. The State must bear responsibility when it creates an environment that favours such attacks, fails to carry out investigations and allows those responsible to go unpunished.

It should be remembered that those who ordered the killing of journalist Anna Politkovskaya in Moscow in 2006 and human rights activist Natalia Estemirova in Grozny in 2009 have yet to be arrested or prosecuted. A former Russian police officer was convicted in December 2012 for organising Politkovskaya’s assassination, but the person who ordered it has not been found. Several observers have suggested that a political taboo has prevented this crime from being solved. “The obstacles that have prevented the person behind the killing from being identified would suggest that he is one of the most untouchable people in the Russian Federation”, said Dmitri Muratov in December 2012, editor of *Novaya Gazeta*, the newspaper that employed the journalist.<sup>152</sup> In the case of Natalia Estemirova, an independent enquiry challenged the official investigation on the basis that evidence had been deliberately manipulated to target one suspect in particular and rule out other possibilities.<sup>153</sup> Some activists are subjected to harassment by the authorities, as in the case of Stanislav Dmitrievsky, who was targeted because of his work on the Chechen war and for publishing a book entitled *International Tribunal for Chechnya: Prospects of Bringing to Justice Individuals Suspected of War Crimes and Crimes Against Humanity During the Armed Conflict in the Chechen Republic*. In 2006 he was given a suspended sentence on charges of “inciting interethnic hatred” and his NGO was banned. In recent years, he has received threats on several occasions from State representatives or unidentified individuals. In November 2012, his apartment and office and his daughter’s apartment were ransacked. Masked men spilled orange paint in his office and destroyed the surveillance cameras in his apartment. In December 2012, fresh legal proceedings were initiated against him in an effort to ban his book on criminal liability in crimes in Chechnya on the basis that it is an extremist publication. This despite the fact that in 2009, when the book was first published, an enquiry was carried out but concluded that there were no grounds for prosecution. In July 2013, the court finally refused to follow the prosecution and closed the case.

151. See Chapter 4. I. A. Civic investigations and legal support, p. 57

152. France TV info, 14 December 2012, ‘Meurtre d’Anna Politkovskaïa : un ex-policier russe condamné à 11 ans de camp’ : [http://www.francetvinfo.fr/meurtre-d-anna-politkovskaia-un-ex-policier-russe-condamne-a-11-ans-de-camp\\_187435.html](http://www.francetvinfo.fr/meurtre-d-anna-politkovskaia-un-ex-policier-russe-condamne-a-11-ans-de-camp_187435.html).

153. FIDH, Memorial, *Novaya Gazeta*, ‘Two Years After the Murder of Natalia Estemirova: Investigation on the Wrong Track’ (July 2011): <http://www.fidh.org/Two-Years-After-the-Murder-of-10278>.



Igor Kaliapin, director of the NGO Committee against Torture, has also been subjected to legal harassment. Criminal proceedings on the grounds that he breached the secrecy of judicial enquiry have been repeatedly opened and closed. He is accused of providing the media with information relating to the ongoing investigation in Chechnya in relation to Islam Umarpashaev, who was abducted by a Chechen special police unit before being tortured and arbitrarily detained. Faced with the steadfast refusal by the authorities to investigate this case, Kaliapin sought to focus the attention of the media on human rights violations committed in Chechnya. He is convinced that the attempts to prosecute him were intended to intimidate him and discourage him from continuing his work.<sup>154</sup> The journalists who interviewed him and published articles about the case were summoned by the police. One of his colleagues was arrested in 2012 as he returned from a mission to Chechnya. He was interrogated and had his belongings, including his laptop computer, confiscated for a period of eight months.<sup>155</sup> The organisation's website was hacked in 2012 and the organisation itself was subjected to an administrative inspection shortly thereafter.

The investigation into Islam Umarpashaev has led to an increase in the threats and harassment inflicted on the Joint Mobile Group (SMG), which in 2011 received the Front Line Defenders International Award for human rights defenders at risk.<sup>156</sup> The head of the Chechen Republic has issued threats to SMG and the Committee against Torture on several occasions. In June 2012, three SMG lawyers were forced to attend a televised meeting with Ramzan Kadyrov in which they were the target of accusations and insults. Kadyrov used his speech to discourage victims from looking to SMG for help: "These guys [pointing to the SMG representatives] hate Chechens. They came here to make money. [...] Human rights defenders aren't interested in you, human rights organisations don't do any work". The President's chief of staff went on to accuse SMG of offering money to Chechen inhabitants in return for making false allegations of torture. The NGO's representatives were also accused of interfering with official investigations. At no point were they given the chance to respond.<sup>157</sup>

154. See ACAT urgent appeal, 'Russie : Harcèlement judiciaire d'un défenseur des droits de l'homme' (July 2012): [http://www.acatfrance.fr/appeL\\_urgent\\_detail.php?archive=ok&id=406](http://www.acatfrance.fr/appeL_urgent_detail.php?archive=ok&id=406).

155. See ACAT urgent appeal, 'Russie : Harcèlement judiciaire de deux défenseurs des droits de l'homme' (January 2012): [http://www.acatfrance.fr/appeL\\_urgent\\_detail.php?archive=ok&id=373](http://www.acatfrance.fr/appeL_urgent_detail.php?archive=ok&id=373).

156. Front Line Defenders, 5 May 2011, '2011 Joint Mobile Group winner of the Seventh Front Line Award for Human Rights Defenders at Risk': <http://www.frontlinedefenders.org/node/16876>.

157. Committee against Torture, 2 June 2012, 'Chechen President publicly accuses human rights defenders of hatred towards Chechen people and calls their activities detrimental': <http://www.pytkam.net/mass-media.news/921/pg4>.



# RECOMMANDATIONS

## OVERALL POLICY AGAINST TORTURE

- **At the highest level of State and through firm and concrete action, emphasise the absolute ban on police officers and prison officials from using torture and ill-treatment, regardless of the circumstances and in line with Russia's obligations under international law.**
- **Identify torture as a specific criminal offence and introduce sentencing in proportion to the seriousness of crimes committed.** Include the crime of enforced disappearance in the country's criminal code.
- **Put in place a genuine policy to prevent and punish torture, including the following:**
  - a revision of the recruitment procedures applicable to police officers;
  - an overhaul of initial and ongoing training programmes designed for law enforcement authorities and members of the penitentiary administration, to include modules on fundamental rights and the absolute prohibition of torture;
  - more rigorous police training in terms of investigative and interrogative techniques;
  - far-reaching changes in the criteria used to evaluate the work of police officers and investigative bodies, including the way in which promotions and bonuses are awarded to reflect the number of cases solved;
  - reform of criminal procedures in order to minimise the importance of confessions;
  - educational and awareness-raising programmes across society to ensure that torture practices will not be tolerated.

## TORTURE PREVENTION

### IN POLICE CUSTODY

- **Ensure that all individuals deprived of their liberty are incarcerated in a location that is officially designated for that purpose.**
- **Strictly monitor the practice of informal "conversations" to ensure they do not serve as a de facto replacement for police custody.**
- **Respect the legal guarantees of those deprived of their liberty**
  - Informed detainees of their rights.
  - Respect the right of individuals deprived of their liberty to secure legal representation as soon as police custody begins. Strengthen the independence and ethics of court-appointed lawyers and withdraw nominating powers from the prerogatives of investigators.
- **Guarantee all individuals deprived of their liberty the right to inform their loved ones of their detention as soon as they are arrested.** Repeal the 3- and 12-hour delays accorded by law. Strictly monitor any restrictions of this right.
- **Ensure a medical examination is carried out in private by a qualified doctor, without the presence of a police officer, on the same day that individuals are placed in police custody facilities (IVS) and each time an individual is brought back to such facilities (even where they have been briefly transferred to another detention centre).** Guarantee the effective right of those deprived of their liberty to be examined without delay by a doctor if they so wish. Implement the provisions of the Istanbul Protocol and provide training for doctors in relation to this protocol.

- **Ensure strict respect for the principle that all declarations obtained under torture should be excluded from the criminal justice system and should under no circumstances be used as evidence in court**
- **Ensure that when individuals deprived of their liberty are brought before an investigator or judge, they verify that they have not been tortured or subjected to ill-treatment, demand a medical examination where they suspect such actions were carried out, and do not authorise their return to the facility where they are thought to have been subjected to such treatment.**

#### **IN DETENTION**

- **Guarantee detention conditions in accordance with the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations.**
- **Put an end to the abusive practices of isolation and psychiatric detention, and eliminate the use of so-called pressure cells.**
- **Strictly monitor special operations carried out within penitentiary facilities and sanction those that are illegal or abusive.**
- **Ensure that all detainees are guaranteed rapid access to medical care.** Improve the human and financial resources of medical staff in penitentiary facilities, as well as their training on the standards put in place by the European Committee for the Prevention of Torture and the Istanbul Protocol. Place medical staff operating in detention facilities under the authority of the Ministry for Health to ensure greater independence. Sanction acts of negligence and deliberate cover-ups by doctors in the case of torture. Respect the rules governing release on medical grounds introduced in 2011 and ensure the courts are in a position to act accordingly.
- **Guarantee the independence of public commissions responsible for monitoring detention facilities, provide them with adequate financial and material resources, authorise them to carry out effectively and without hindrance unannounced visits to detention centres, protect their members against all forms of reprisals, authorise confidential meetings with detainees, improve cooperation by the penitentiary authorities so they take account of recommendations made by these commissions, and instigate enquiries and legal prosecutions in the case of alleged torture or ill-treatment.**
- **Ensure that pre-trial detention is used as a last resort in criminal procedures and promote alternatives to imprisonment.**
- **Introduce new criminal reforms in order to improve detention conditions and ensure that all draft prison reforms are developed together with civil society and benefit from adequate financial resources.**

#### **NON-REFOULEMENT TO A COUNTRY WHERE THERE IS A RISK OF TORTURE**

- **Under all circumstances respect the principle of non-refoulement of individuals to a country where they are at risk of being subjected to torture, and put an end to illegal practices of abduction and illegal transfers.**

## THE FIGHT AGAINST IMPUNITY AND REHABILITATION FOR VICTIMS

- Ensure prompt, effective and impartial investigations are carried out into all allegations of torture, ill-treatment, abduction and enforced disappearance, and ensure that those accused of such acts, together with any superiors thought to have instigated or consented to such violations, are prosecuted. To this end, provide the new special unit of the Investigating Committee with the necessary human and financial resources.
- Ensure that all State officials who refuse to cooperate with investigators are sanctioned.
- Protect both torture victims who file a complaint and witnesses from all forms of reprisals.
- Ensure legal action is taken against doctors, investigators or magistrates who were complicit in acts of torture by failing to report the abuse when the victim brought it to their attention.
- Revise the law to guarantee torture victims the right to reparation, introduce adequate compensation scales and ensure consistency in the judgements handed down by the courts in this regard.
- Put in place adapted rehabilitation programmes for victims of torture.

## PROTECTING HUMAN RIGHTS DEFENDERS

- Put an end to all forms of discourse that denigrate human rights defenders.
- Put an end to the administrative and legal harassment to which they are subjected.
- Quickly carry out comprehensive investigations where they are attacked, threatened or killed.
- Ensure those responsible are prosecuted and convicted.

## COOPERATING WITH INTERNATIONAL INSTITUTIONS

- Implement the rulings of the European Court of Human Rights, especially individual or general measures.
- Protect complainants and their lawyers against intimidation and provide the Court with all necessary documents in a transparent way.
- Authorise visits from United Nations Special Rapporteurs, who have requested an invitation from the Russian authorities.
- Authorise the publication of reports submitted by the European Committee for the Prevention of Torture.
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the United Nations Convention against Torture.

## About ACAT, The Committee against Torture & The Public Verdict Foundation



### ACAT

The Action by Christians for the Abolition of Torture (ACAT) is a human rights organisation, based in Paris, founded in 1974 and a recognized public-interest foundation.

Basing its action on international law, ACAT-France fights against torture, capital punishment and for the protection of all victims, regardless of their ethnicity, ideology and religion, through a network of 35,000 members. Its actions in France focus on the conditions of detention as well as the protection of refugee rights.

<http://www.acatfrance.fr/>



### The Committee against Torture

The Committee against Torture is a Russian non-governmental organization founded in 2000 in Nizhny Novgorod by a number of famous Nizhny Novgorod human rights defenders, including the present NGO head Mr. Igor Kalyapin. It was created as a human rights organization with the purpose of exercising public control over the problem of torture application and violent treatment in Russia and granting professional legal and medical aid to torture victims.

<http://www.pytkam.net>



### The Public Verdict Foundation

The Public Verdict Foundation was established in February 2004 as a non-profit organization offering legal assistance to victims of human rights abuse at the hands of law enforcement officers in Russia. It works to promote a climate of intolerance to abusive law enforcement practices in the Russian society, and to ensure civilian oversight of the law enforcement. The Foundation informs the wide public on the situation with human rights violations committed by the law enforcement.

<http://publicverdict.ru>



In Russia, the use of torture and ill-treatment can be observed at all stages of the criminal justice system, from police arrest to the life of convicts in penitentiary facilities. In Chechnya, the torture phenomenon is widespread. Several recent torture cases have come under the spotlight of the Russian media and affected public opinion, repositioning this issue at the heart of public debate. Hopes have been raised by highly criticised police reforms as well as prison reforms that have yet to be finalised. However, the prevailing climate of impunity and the lack of any political will at the highest level to prevent and punish acts of torture have allowed this phenomenon to continue. Since the re-election of Vladimir Putin in 2012, the focus is no longer on plans for reforms but instead on repression against opposition and NGOs.

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