



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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**Committee against Torture**

**Consideration of reports submitted by States  
parties under article 19 of the Convention**

**Sixth periodic reports of States parties due in 2016**

**Russian Federation\* \* \* \* \***

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\* The fifth periodic report of the Russian Federation is contained in document CAT/C/RUS/5; it was considered by the Committee at its 1112th and 1115th meetings (see CAT/C/SR.1112 and 1115), held on 9 and 12 November 2012. For its consideration, see the Committee's concluding observations (CAT/C/RUS/CO/5).

\*\* The present document is being issued without formal editing.

\*\*\* The annexes to the present report are on file with the secretariat and are available for consultation. They may also be accessed from the web page of the Committee against Torture.

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## **Report on the implementation by the Russian Federation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

### **Paragraph 1 of the list of issues**

1. The Russian Federation is taking measures to implement the provisions of the Convention. An absolute prohibition of torture is set out in article 21 (2) of the Constitution of the Russian Federation, pursuant to which no one may be subjected to torture, violence or other cruel or degrading treatment or punishment. A comparable provision is also reflected in article 7 (2) of the Criminal Code of the Russian Federation and in article 9 (2) of the Code of Criminal Procedure of the Russian Federation.
2. In the note to article 117 of the Criminal Code, the notion of “torture” is defined as the infliction of physical or mental suffering for the purpose of coercing the victim to provide testimony or to perform other actions contrary to his or her will, for the purpose of punishment or for other purposes.
3. The Criminal Code does not contain a separate article establishing criminal liability for acts of torture, as foreseen by the Convention, but such acts may be captured by various articles of the Special Section of the Criminal Code, which, in turn, fully covers the notion of torture as defined in article 1 of the Convention.
4. Article 302 (2) of the Criminal Code establishes criminal liability for compelling a suspect, defendant, victim or witness to give evidence, or coercing an expert or a specialist to declare an opinion or to give evidence through the application of threats, blackmail or other illegal actions by an investigator or a person conducting the initial inquiry, and also by any other person acting with the knowledge or tacit consent of the investigator or the person conducting the initial inquiry, involving the use of violence, bullying or torture. Such acts shall be punishable by deprivation of liberty for terms of between two and eight years.
5. Article 117 (2.e) of the Criminal Code establishes liability for the infliction of physical or mental suffering through systematic beatings or other violent acts, if these do not lead to the consequences set out in articles 111 and 112 of the Criminal Code concerning severe and moderate bodily harm. Such acts shall be punishable by deprivation of liberty for terms of between three and seven years.
6. In addition, article 286 (3.a) of the Criminal Code establishes liability for abuse of authority, committed with the use or threat of violence, under which a broad range of unlawful acts committed by officials may be criminalized. Such acts shall be punishable by deprivation of liberty for terms of between three and ten years, with disqualification from holding specified offices or engaging in specified activities for terms of up to three years.
7. Statistics on the application of articles 117, 286 and 302 of the Criminal Code may be found in annex I to the present report. Pursuant to article 63 (1.i) of the Criminal Code, the commission of an offence with the use of particular cruelty, sadism, bullying or torture of the victim shall be deemed to be an aggravating circumstance. This may apply to any offence under the Special Section of the Criminal Code, except in cases where such circumstances are deemed by the relevant article of the Special Section of the Criminal Code to be the indicia of an offence.
8. Criminal liability is also established for incitement to offences committed with the use of torture, complicity in such offences and their attempted commission. The attempted

commission of an offence is understood to mean deliberate actions (or omissions) by a person with the direct intention of committing an offence, even if the offence was not completed for reasons beyond the control of the individual concerned.

9. By virtue of the provisions of article 29 (2) and (3) of the Criminal Code, criminal liability for an attempted offence is incurred under the article of the Criminal Code that establishes liability for the completed offence, with reference to article 30 of the Code.

10. The criminal liability of an organizer, instigator or accessory shall be incurred under the article that provides for punishment for the offence committed, with reference to article 33 of Criminal Code, except in cases when they were also co-perpetrators of the offence.

11. Thus, under the Criminal Code, perpetrators may be held criminally liable for any wrongful acts covered by the definition in article 1 of the Convention.

12. Depending on their rank and level of authority, the staff of the institutions of the penal correction system participate in resolving matters relating to convicted persons and review the manner in which they are treated.

13. In cases where suspects (or accused or convicted persons) are found to have injuries that give grounds to assume that harm has been caused to them as a result of unlawful actions, a corresponding report is compiled by the medical officer (in addition to the record of such injuries in the outpatient medical file). The report is drawn up in two copies, one attached to the patient's outpatient medical file, and the other handed to the suspect (or accused or convicted person) against that person's signature. The victims are invited to provide a written explanation of the circumstances of their injuries.

14. The head or officer-in-charge of the institution and the procurator responsible for supervising the work of such institutions shall be informed that a report attesting to such findings has been issued, for the adoption of a decision in accordance with the Code of Criminal Procedure.

15. It is a mandatory requirement that the inclusion of such reports in the victim's outpatient file shall be logged in the updated discharge sheet.

16. Within a maximum of three days of admission to a correctional facility, all new inmates, except those in transit, undergo a thorough medical check-up, including a photofluorographic examination.

17. Through this check-up the physician identifies any complaints, studies the patient's medical history and carries out an external inspection to detect any injuries, repeated tattoos or other distinctive marks, conducts a comprehensive and objective examination, using generally accepted examination methods, and, where so indicated, prescribes additional examinations. All information received in accordance with the established procedure is recorded in the patient's outpatient medical file.

18. Medical facilities that carry out check-ups and the examination of convicted persons and persons remanded in custody are equipped with special screens to safeguard medical confidentiality and protect the dignity of persons held in custodial institutions.

19. Information about the indicia of an offence is recorded in special registers. Staff of the procuratorial service monitor the timeliness and reliability of the information entered in the registers.

20. In addition, a log is kept of prisoners' medical examinations, after their return from investigative measures conducted by the law enforcement agencies. The Russian Federal Penal Correction Service has instituted monitoring arrangements to ensure that these logs are properly maintained.

21. In conformity with the Code of Criminal Procedure, when procedural decisions are adopted on the basis of the verification of evidence of the bodily injuries of suspects, defendants or convicted persons held in remand centres, the responsibility for notifying those decisions is vested in the initial inquiry and pretrial investigation authorities which carried out the verification.

22. The use of physical force and special devices on convicted persons and persons held in correctional institutions and remand centres is covered by Act No. 5473-I of the Russian Federation of 21 July 1993, on institutions and authorities applying criminal penalties in the form of deprivation of liberty, and by Federal Act No. 103 of 15 July 1995, on the remand in custody of suspects and those accused of having committed offences.

23. In line with departmental orders of the Ministry of Justice, a case-file is promptly drawn up, in accordance with regulatory requirements, for each instance of the use of physical force and special devices.

24. The Federal Penal Correction Service continues to make extensive use of its authority to issue guidance directives and instructions to subordinate agencies and institutions on matters within its competence, including with a view to improving law enforcement practices relating to the use of physical force and special devices. Since 2012, the admission of convicted persons to correctional institutions is carried out with the mandatory use of video surveillance.

### **Paragraph 2 of the list of issues**

25. In accordance with article 7 (4) of Federal Act No. 103 of 15 July 1995, on the detention in custody of suspects and those accused of having committed offences, the individuals or authorities in charge of the criminal proceedings are obliged without delay to notify close relatives of suspects or accused persons of the facility where those persons are being detained or of any change in such place.

26. In addition, under article 96 (1) of the Code of Criminal Procedure, suspects have the right as soon as possible, but not later than three hours after their hand-over to the authority conducting the initial inquiry or the investigator, to make one telephone call in Russian, in the presence of the official carrying out the initial inquiry or the investigator, to notify their relatives or close friends of their detention and whereabouts, and such calls are logged in the record of arrest. In the event that suspects decline to exercise their right to a telephone call or are physically unable to make one, such notification is made by the official carrying out the initial inquiry or the investigator, and this too is noted in the record of arrest.

27. If a suspect who is a lawyer is detained, the bar association of the constituent entity of the Russian Federation of which that lawyer is a member is duly notified.

28. In addition, under the provisions of article 96 (2) of the Code of Criminal Procedure, in the event of the detention of a suspect who is a member of the military, the command of the military unit shall be informed and, in the event of the detention of an employee of an internal affairs body, the supervisor of the body in which such employee serves shall be informed.

29. In the event of the detention of a suspect who is a member of a public oversight commission set up under the law of the Russian Federation, the secretary of the Civic Chamber of the Russian Federation and the relevant public oversight commission shall be notified accordingly.

30. If the suspect is a citizen or a subject of another State, the embassy or consulate of that State shall be notified.

31. Article 92 of the Code of Criminal Procedure stipulates that suspects must be questioned within 24 hours of their apprehension. Before the questioning starts the suspects are given the opportunity, at their request, to meet their defence counsel.
32. Article 49 (2) of the Code stipulates that lawyers are admitted to serve as defenders. Pursuant to a ruling or decision of the court, a close relative of the accused or another person for whose admittance the accused has applied may also be admitted as defenders alongside the defence counsel.
33. Under article 50 of the Code of Criminal Procedure, the defence counsel is invited by the suspect (accused person), that person's legal representative and also by other persons on the instructions or with the consent of the suspect (accused person). The suspect (accused person) is entitled to invite several defence lawyers.
34. Article 18 of the Federal Act stipulates that, from the moment of their de facto apprehension, suspects (accused persons) are able to meet their defence counsel on presentation of a lawyer's certificate and warrant. If another person is acting as a defender, a meeting with such person is arranged upon presentation of a court ruling or decision, and of an identity document.
35. If a person intends to appeal to the European Court of Human Rights or if that person's case is under consideration by the European Court, a meeting is arranged with their representatives to the European Court and with persons providing them with legal assistance, with the written permission of the individual or authority in charge of the criminal proceedings involving that person.
36. Meetings with defence counsel, representatives to the European Court of Human Rights, and persons providing legal assistance in connection with an intention to appeal to the European Court are arranged in private and are confidential; there is no limit to their frequency or duration and they may be held in conditions that enable detention facility staff to see but not hear their participants.
37. Under article 49 (3) of the Code of Criminal Procedure, defence counsels participate in criminal proceedings from the moment that: a person suspected of committing an offence is actually apprehended; persons suspected of the commission of an offence, as stipulated by article 223.1 of the Code of Criminal Procedure, are notified of such suspicion; a restraint measure is applied against a person; a ruling is handed down that a person is to be prosecuted; a person suspected of the commission of an offence is notified of a decision to order a forensic psychiatric expert examination; other coercive measures or other procedural measures that limit the rights and freedoms of a person suspected of committing an offence enter into effect.
38. Under article 18 (I) of Federal Act No. 63 of 31 May 2002, on legal practice and the bar in the Russian Federation, interference by the investigator or person carrying out the initial inquiry in activities of the defence counsel carried out in accordance with the law, or their obstruction of such activities in any way, including in the form of restrictions, are prohibited.
39. By order No. 410 of 27 December 2010 of the Ministry of Justice of the Russian Federation, amending Ministry order No. 189 of 14 October 2005, amendments have been made to the internal regulations of remand centres of the Federal Penal Correction Service, establishing, among other provisions, that when suspects (accused persons) are admitted to remand centres they shall undergo an initial medical examination and decontamination procedure. These measures are effected in the same manner and within the same time frame as those indicated above (paragraph 1 responses).
40. In order to ensure the constitutional right of the suspect (accused) to protection of life and health, Federal Act No. 434 of 29 December 2010 introduced amendments to

article 110 of the Code of Criminal Procedure setting aside restraint measures in the event that suspects (or accused persons) are found to have a serious illness preventing their detention, as attested by a medical certificate issued on the basis of a medical examination.

41. Amendments have also been made to Federal Act No. 103 of 15 July 1995, on the remand in custody of suspects and those accused of having committed offences, pursuant to which the chief or officer in charge of the remand centre is required, if the suspects or accused persons are found to have a serious illness precluding their being held in detention, to transmit to the person or authority handling the criminal case, and to the suspects or accused persons and their defence counsel a medical certificate issued on the basis of a medical examination within the course of the calendar day following the day on which the medical findings were submitted to the administration of the remand centre.

42. The medical examination of the suspects (or accused persons) is carried out by the board of physicians of the medical organization identified by the executive authority of the constituent entity of the Russian Federation responsible for health care.

43. The findings of the medical examination are duly recorded and transmitted to the suspects (or accused persons). At their request, the suspects (or accused persons) or their defence counsel are granted a copy of the findings of the medical examination. If the head of the remand centre or the person or authority in charge of the criminal proceedings so decides, or at the request of the suspects or accused persons or their defence counsel, the medical examination may be carried out by medical practitioners of other medical organizations. If such an examination is refused, an appeal may be lodged with the procurator or the court.

44. In addition, the grounds, procedures and detention periods are regulated in detail by article 14 of Federal Act No. 3 of 7 February 2011, on the police. The police protect the right of all people to liberty and security of person. In cases covered by the Federal Act on the police and other federal laws, no one may be detained for more than 48 hours without a court order. The period of detention counts from the actual moment on which a person's freedom of movement is restricted.

45. Where necessary, the police take measures to administer first aid to the detainee, and also measures to eliminate any threat to the life and health of citizens or to their property arising when they are taken into custody.

46. Detained persons are held in specially designated and guarded premises in conditions which exclude any threat to their lives and health.

47. Pursuant to article 96 (1) of the Code of Criminal Procedure, in the event that suspects decline to exercise their right to meet their counsel or that they are physically or mentally incapable of doing so, due notification is made by the investigator and this is noted in the record of arrest.

48. If in the interests of the pretrial investigation it is necessary to keep the apprehension of a person secret, such notification may, with the procurator's consent, be withheld, except in cases where the suspect is a minor (Code of Criminal Procedure, art. 96 (4)).

49. It is the obligation of the investigator, under article 46 (3) of the Code of Criminal Procedure, to notify the next of kin, other relatives and close friends of the person detained, and the investigator's actions to that effect are clearly regulated by article 96 of the Code, on notification of the detention of a suspect.

50. Thus, pursuant to article 46 (3) of the Code of Criminal Procedure, in the event of the detention of persons under articles 91 and 92 of the Code (which set out rules on the grounds and procedure for the detention of accused persons), suspects are entitled to make one telephone call in Russian, in the presence of the official carrying out the initial inquiry

and the investigator, to notify their next of kin, relatives and close friends of their detention and whereabouts. The official carrying out the initial inquiry and the investigator must comply with their obligation under article 96 of the Code to give notification of the detention.

51. When a suspect who is being detained is a member of the military, a member of the public oversight commission established in accordance with the law of the Russian Federation, a lawyer or a citizen or subject of another State, the official carrying out the initial inquiry and the investigator shall also, within 12 hours of the suspect's detention, notify the other persons specified in article 96 (2) and (3) of the Code of Criminal Procedure, which regulate the notification procedure in such cases.

52. Generally speaking, suspects do not submit requests for an examination by an independent physician, since medical professionals and institutions are not part of the law enforcement system and are therefore already independent.

53. The rights of suspects or accused persons while remanded in custody during pre-trial investigations, including to the provision of medical care, are also set out in the internal regulations of facilities for the temporary detention of suspects and accused persons by the internal affairs agencies, approved by Ministry of Internal Affairs order No. 950 of 22 November 2005.

54. The procedure for the admission and assignment of suspects (accused persons) to cells in remand centres is set out in section II of the above-mentioned internal regulations. The admission and allocation of cells take place around the clock and are the responsibility of the duty assistant warden or the assistant warden's deputy at the remand centre, who verify that the correct documents are submitted giving the grounds for admission of the persons to the centre, conduct interviews with the persons being admitted and cross-check their responses against the information on their personal file. Upon their admission to remand centres, suspects (accused persons) are given information about their rights and responsibilities, the custodial rules, the disciplinary requirements, the daily routine, the procedure for the submission of suggestions, applications and complaints, and the availability of psychological assistance. This information may be provided to the suspects (accused persons) in writing and orally.

55. During the processing of records, suspects (accused persons) are placed in common cells for a period not exceeding 24 hours in compliance with the segregation requirements or for not more than two hours in one-person modular cubicles fitted with seats and artificial lighting.

56. The time at which suspects (accused persons) are assigned to such one-person cubicles and their transfer to other premises is recorded in the cell-block duty log. Suspects (accused persons) voluntarily undergo an initial psychodiagnostic assessment, the findings of which are recorded in the register of suspects (accused persons) who have undergone psychological examinations.

57. After a full body search, inspection of personal effects, fingerprinting, headshot, initial medical check, disinfection and completion of their admission docket, persons admitted to remand centres are placed in cells in the quarantine unit, where they undergo a medical examination.

58. A register of persons taken into custody is maintained by the police, in the manner prescribed by the federal executive authority responsible for internal affairs. The information contained in the register may not be divulged to third persons, except in the cases stipulated in the Federal Act on the police.

59. An official report is compiled of each detention and a record is made of the date, time and place on which it was drawn up, the position, surname and initials of the police

officer drawing up the report, details of the detainee, the date, time and place of, and the grounds and the motives for, the detention, and confirmation that next of kin or close friends of the detainee have been notified.

60. The detention report is signed by the police officer who drew it up and by the person being detained. If the detainee refuses to sign the report, such refusal is duly recorded in the report. A copy of the report is handed to the detainee.

61. Statistics on the use of physical force, special devices and gas weapons on suspects (accused persons) may be found in annex II to the present report.

62. The correctional facilities of the Russian Federal Penal Correction Service were fitted with 267 integrated security systems and, since 2012, this total has been increased by 76 per cent. In addition, use is made of 3,043 television surveillance systems, comprising 56,240 video cameras, and, since 2012, the volume of data captured by the systems has increased by 30 per cent and the number of surveillance cameras by 60 per cent. These devices have been installed in the workplaces and living quarters of convicts and also on the grounds of correctional institutions and in disciplinary units. For the monitoring of convicts, in addition to fixed video surveillance and monitoring equipment, use is made of more than 12,000 handheld video cameras.

63. Premises are provided in correctional facilities for convicts to receive visits from their defence counsel (lawyers) without the participation of third persons, or the installation of listening equipment. To ensure personal security, some of these premises are equipped with video-surveillance cameras.

64. As at 1 January 2016, there were 10,616 video cameras installed in 8,719 cell-type facilities of the remand centres of the penal correction system. In total, 206 centralized closed-circuit television units have been installed in remand centres and 150 such systems in the cells. The staff of the remand centres use 3,895 handheld video cameras.

65. The signals from the video-recording units, installed for the surveillance of suspects and accused and convicted persons, are fed via a single server to the operator of the video control post. This post is situated in an isolated room with restricted access by officials of the institution. Arrangements for the maintenance of the video surveillance archive for the mandated time frame of at least 30 days and the restrictions on its use by third parties are carefully controlled.

66. In accordance with the requirements of the Ministry of Internal Affairs order approving specific technical requirements for the equipment installed in facilities for the temporary detention of suspects and accused persons by the internal affairs authorities, video surveillance devices are installed in such facilities for the purposes of security and oversight and equipped to store the video recordings for at least 30 days. Currently, 9,705 such video surveillance systems have been installed in these facilities.

67. Pursuant to article 14 of Federal Act No. 3 of 7 February 2011 on the police, when making any arrests, police officers are obliged to perform the actions specified in article 5 (4) of the Federal Act: they must give their station, rank and surname and, when so requested by the arrested citizens, display their official identification, and then inform them of the reason for their action and its purpose. In the event of the application of measures that restrict citizens' rights and freedoms, they must explain the reason and grounds for the application of such measures, and also the citizens' rights and obligations pursuant upon such action.

68. The order of the Ministry of Internal Affairs approving the badges worn by police officers requires police officers to carry their badges while serving in uniform on duty in public places. The police badge is the official badge of the Ministry of Internal Affairs, identifying police officers serving in public places.



69. Russian legislation also provides for administrative detention, that is, the short-term restriction of the freedom of an individual. In accordance with article 27.3 (1) of the Administrative Offences Code, on administrative detention, detention of this type may be applied in exceptional cases, if necessary to ensure the proper and timely consideration of a case involving an administrative offence, or the enforcement of the judgment in such a case.

70. The list of officials authorized to apply administrative detention is based on article 27.3 (1) and (2) of the Administrative Offences Code.

71. In accordance with article 27.3 (3) of the Administrative Offences Code, at the request of detained persons, their whereabouts are promptly notified to their relatives, those in charge at their workplace (place of study), and also to their defence counsel.

72. Pursuant to article 27.3 (4), (4.1) and (4.2) of the Administrative Offences Code, when minors are placed in administrative detention, their parents or other legal representatives must be informed as soon as possible; when members of the military or citizens called up for military service are placed in such detention, the military police of the armed forces of the Russian Federation or the military unit to which the detainee has been drafted must be so informed; when other persons specified in article 2.5 (1) of the Code are placed in administrative detention, the authority or institution in which the detainee is serving is to be informed; and when a member of a public oversight commission constituted in accordance with the law of the Russian Federation is placed in administrative detention, the secretary of the Civic Chamber of the Russian Federation and the relevant public oversight commission are to be informed.

73. In accordance with article 27.3 (5) of the Administrative Offices Code, detainees are informed of their rights and obligations under the Code and a corresponding entry is made in the administrative detention log. Under article 27.4 of the Code, a report is drawn up indicating the date and place of its drafting, the position, surname and initials of the person drawing up the report, details of the detained person, and the time, place and grounds for detention. The record of administrative detention is signed by the official who drew it up and by the detainee. If the detainee refuses to sign the report, such refusal is duly recorded in the report. A copy of the record of administrative detention is delivered to the detainee upon request.

74. Under article 27.5 (1) of the Administrative Offences Code, a limit of three hours is placed on the period of administrative detention, except in the cases provided for in paragraphs 2 and 3 of the article. As stipulated in articles 3.9 (3) and 32.8 (3) of the Code, this period is to be included in (counted against) any administrative custodial terms.

75. In accordance with article 27.6 (1) of the Administrative Offences Code, detained persons are held in specially designated premises, as specified in article 27.3 of the Code, or in special facilities established in the duly prescribed manner by the executive authorities of constituent entities of the Russian Federation. These facilities should comply with health requirements and be designed to prevent the detainees' unauthorized departure.

76. By its decision No. 627 of 15 October 2003, the Government of the Russian Federation approved regulations on the conditions for the remand in custody of persons detained for an administrative offence and the nutrition and health care standards for such persons. The regulations stipulate the conditions for the custody of persons detained for administrative offences, including the separation of minors and adults, and women and men, and also the segregation of persons with symptoms of infectious diseases or indications that they might have such diseases and the provision to such people of medical assistance, meals, a place to sleep at night and other services.

77. It should also be noted that cases concerning administrative offences by persons who are being held in administrative detention are considered no later than 48 hours from the moment of their apprehension.

78. In this way, Russian law upholds the right of persons detained on suspicion of having committed an offence to qualified legal assistance, their right to inform their next of kin and close friends of their detention, their right to be informed of the substance of their suspected offences and the right to submit an application for medical care and a medical examination.

79. Allegations that uniformed police officers failed to wear identification badges during the XXII Olympic Winter Games in Sochi have proved to be without substance.

80. Indeed, during the Sochi Olympics and to date, all police officers serving in public places wear badges on their uniforms which identify them as police officers.

### **Paragraph 3 of the list of issues**

81. By its instruction No. 1877-r of 23 September 2015, the Government of the Russian Federation introduced amendments to the road map for the development of the penal correction system of the Russian Federation to the year 2020, including a new subsection guaranteeing the rights and lawful interests of convicted persons and persons remanded in custody. One of the measures stipulated in this subsection is the development of a system for the legal protection of convicted and remanded persons with disabilities, minors, pregnant women and women with children.

82. In order to improve oversight, and to prevent violence in penitentiary facilities, including against women, the Procurator-General of the Russian Federation issued order No. 6, dated 16 January 2014, on oversight of application of the law on the custody of suspects and accused persons by the administrations of institutions and authorities enforcing criminal penalties and of remand centres.

83. Under this instrument, procurators are required, when carrying out audits in correctional institutions and remand centres, to give attention to reports of the use of prohibited methods, the unlawful use by authorities of physical force, special devices and weapons, and the illegitimate incarceration in punishment cells of convicted persons and persons remanded in custody. This fully applies to protection of the rights of convicted women serving criminal sentences in penitentiary facilities.

84. Procuratorial practice demonstrates that, in recent years, the Federal Penal Correction Service has stepped up its monitoring of the activities of the institutions and authorities of the country's penal correction system, including the general regime correctional colonies for convicted women.

85. As at 1 January 2016, there were 68 general regime correctional colonies for women offenders in operation in the penal system. This is evidence of a downward trend in the number of convicted women serving criminal sentences in correctional colonies.

86. The findings of the audit organized by representatives of the Presidential Council for the Development of Civil Society and Human Rights demonstrate that the allegations adduced in the open letter by the former convict Nadezhda Tolokonnikova, regarding unlawful acts by the staff of women's correctional colony No. 14 of the Federal Correctional Service Directorate for the Republic of Mordovia against convicted women, are groundless.

87. Irregularities in the labour arrangements for convicted women in correctional colony No. 14 that were identified during the investigation following the submission by former convict Nadezhda Tolokonnikova have been rectified.

88. Annex III to the present report provides details of the officials of correctional colony No. 14 who have been brought to justice.

89. The working time in correctional colony No. 14 meets the requirements of the Labour Code of the Russian Federation and of the Penal Enforcement Code of the Russian Federation and is set at 40 hours per week. The assignment of convicted prisoners to work details is based on the daily schedule approved by order of the warden of correctional colony No. 14. Under the daily schedule, the first shift on weekdays runs from 8 a.m. to 4.30 p.m. and on Saturdays from 8 a.m. to 2.30 p.m.

90. Where businesses need extra labour, convicted prisoners are assigned to work at weekends and on holidays under an order by the colony warden and with their written consent and are granted compensatory time off for the time worked. The prisoners' performance is measured and if they exceed the productivity standards they receive monetary awards.

91. All the prisoners working in the garment industry were shown, against their signature, the results of the workplace accreditation exercise (special assessment of working conditions).

92. On 14 March 2014, as part of a working meeting between the authorities of the Federal Correctional Service Directorate for the Republic of Mordovia, members of the Presidential Council for the Development of Civil Society and Human Rights and other experts, visits were arranged to correctional colonies Nos. 2, 13 and 14 designated for the service of sentences by women offenders. No breaches of the requirements laid down by the law of the Russian Federation were detected.

93. On 22 May 2014, Mariya Kannabikh, member of the Presidential Council for the Development of Civil Society and Human Rights, Vitaly Polozyuk, counsellor on the Civic Chamber of the Russian Federation, Yury Yastrebtsev, Human Rights Commissioner for the Republic of Mordovia, and members of the regional public oversight commissions visited correctional colony No. 14 to view for themselves the conditions under which convicted women were serving their sentences, their working arrangements and the medical care. No concerns were raised about the activities of correctional colony No. 14.

#### **Paragraph 4 of the list of issues**

94. In many cases, the notion of domestic violence has nothing in common with that of torture, as defined in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

95. Information on measures to suppress violence against women, to prevent domestic violence and in general to strengthen the family was discussed in detail during consideration of the eighth periodic report of the Russian Federation on implementation of the provisions of the Convention on the Elimination of All Forms of Discrimination against Women in October 2015.

96. For information purposes, however, we may convey the following.

97. Issues relating to the prevention of domestic violence, work with perpetrators, and in general measures to strengthen the family and enhance the value of family life are reflected in the national strategy for children for the period 2012-2017, the road map for the State family policy of the Russian Federation for the period to 2025 and the draft national

strategy of the Russian Federation for women for the period 2017-2022, which is currently under development.

98. Emphasis is placed on the prevention of child abuse and measures to forestall family problems.

99. In order to improve the provision of assistance to families with children and to children themselves in cases of ill-treatment, a range of measures has been adopted with a view to improving the work of the executive authorities of the constituent entities of the Russian Federation to assist children and adolescents in the event of ill-treatment.

100. In 2015, there were more than 3,000 separate institutions providing social services for families and children, including 370 family and child assistance centres, 22 crisis centres for women, 23 hostels for women with minor children, and other such establishments. These organizations provide a range of social services (psychological, legal, welfare-related and medical) to all persons in need, including victims of violence.

101. The status of persons in need of social services is accorded to citizens in the event of domestic violence in their homes and the eruption of domestic conflicts, including conflicts involving persons with drug or alcohol dependency, persons addicted to gambling, or persons suffering from mental disorders. These services are provided to them free of charge.

102. A regulatory framework has been established at the federal and regional levels for the organization of social services and the provision of such services in cases of domestic violence, and procedures developed for social work with families that find themselves in difficulty.

103. Russian law categorizes violence against family members as criminal offences against the person (for example, the wilful infliction of bodily harm, kidnapping, rape and other acts), where there is appropriate substantiation.

104. Under article 63 of the Criminal Code, the aggravating circumstances taken into account in sentencing include the commission of an offence against a pregnant woman, and also against a minor, or another defenceless or helpless person or a person who is dependent on the perpetrator, and also the commission of an offence against a minor or by a parent or other person in whom the law has vested the obligation of raising that minor or by a teacher or other employee of an educational or medical establishments, organization providing social services or other organization responsible for supervising minors.

105. The law prescribes that each complaint of domestic violence against women, and also any other reports of violence against women, shall be registered without delay by the investigations authorities of the Investigative Committee of the Russian Federation.

106. Many problems relating to domestic crime are dealt with by those responsible for implementing preventive measures, including, above all, the law enforcement authorities, using specially tailored criminological measures to eliminate or minimize the effects of crime-conducive factors and conditions that lead to violence in the family.

### **Paragraph 5 of the list of issues**

107. The priority objectives identified in the aforementioned road map for the development of the penitentiary system of the Russian Federation over the period to 2020 include measures to provide more benign detention conditions for persons remanded in custody and those serving sentences of deprivation of liberty, and to strengthen safeguards of their rights and legitimate interests, in accordance with international standards.

108. In 2015, a total of 2,099 complaints were submitted to the investigative authorities of abuse of power by employees of the Federal Penal Correction Service which involved the use of violence, a number 16.9 per cent fewer than those submitted in 2014 (2,526, as compared to 2,867 in 2013).

109. Specific measures are being taken by the Ministry of Internal Affairs to prevent cases of suicide in detention facilities. In 2014, working together with the V.P. Serbsky State Scientific Centre for Social and Forensic Psychiatry, a publicly funded national institution, the Russian Ministry of Health developed guidelines for detection and prevention of suicidal behaviour and suicide attempts by persons detained or remanded in custody by the internal affairs authorities of the Russian Federation.

110. As a result, according to figures provided by the Ministry of Internal Affairs, the number of suicides in 2015 was 4 per cent lower than in 2013.

111. Following the adoption of Federal Act No. 323 of 21 November 2011, on the principles of public health care in the Russian Federation, the Russian Ministry of Justice, working together with the Ministry of Health, has taken steps to amend order No. 640/190 of 17 October 2005 of the Ministry of Health and Social Development and the Ministry of Justice of the Russian Federation, on the organization of medical assistance for persons remanded in custody and serving sentences in places of deprivation of liberty.

112. The Federal Penal Correction Service is implementing a range of measures to prevent suicides among suspects (accused persons). Persons who, as a result of diagnostic appraisals, are found to manifest a proclivity to commit suicide and self-harm are placed under preventive psychological observation. The psychologist advises staff in the various facilities of the penal correction system how to deal with such suspects and accused (convicted) persons and also administers psychological counselling to them.

113. Training is provided to staff in how to identify behavioural signs that indicate a high risk of suicide. As a result of this work, over the period 2013-2015, the number of persons placed under observation in the Federal Penal Correction Service as prone to suicide and self-harm rose from 21,700 to 31,300.

114. An upgraded version of the computerized psychodiagnostic programme Psychometric Expert has been installed in the facilities of the penal correction system, to enhance the effectiveness of their psychological diagnostic work. Use of the programme makes it possible to identify suspects, defendants and convicted persons prone to bouts of disruptive behaviour and acts of self-harm, thus significantly reducing the time spent on psychological diagnostic assessments.

115. In order to prevent suicides, a programme of remedial and psychological adaptation activities with newly admitted prisoners during their confinement in the quarantine unit of the correctional facility has been incorporated in the work of the local offices of the Russian Penal Correction Service. The programme includes a template for the organization of the work of the staff of remand centres and premises used as remand centres for the prevention of suicide among newly admitted suspects and accused persons.

116. Persons with a proclivity for self-harm are engaged in psychological therapeutic activities designed to give meaning to their life, to build their self-esteem and to reduce anxiety.

117. In the facilities of the correctional system, every case of suicide of a suspect, or accused or convicted person is subject to an official investigation involving staff from all the facility's services. The aim is to establish the causes of acts of self-harm, to assess the educational and psychological work carried out with potential suicides and to identify culprits. Measures are being taken to remedy any shortcomings identified in the work carried out to prevent suicides.

118. In 2015, 141 cases were registered of the suicide of suspects, accused or convicted persons in remand centres in 52 local facilities of the Federal Penal Correction Service. Charges were brought against 550 staff members following inquiries into cases of suicide and five of those were subsequently dismissed from the prison service.

119. Statistics on the number of deaths in facilities of the Federal Penal Correction Service may be found in annex IV to the present report.

120. With regard to the issue of amending the rules governing medical examinations, we note that, on 1 April 2015, work was completed on the reform of the medical service as part of the road map for the development of the penal correction system. Medical services have been adjusted in line with a new organizational model: units responsible for the health care of suspects, accused persons and convicts and the epidemiological oversight of correctional facilities have been amalgamated into the system of 67 medical and health clinics of the Federal Penal Correction Service. The staff of medical units and hospitals forming part of the system of medical and health clinics of the Federal Penal Correction Service no longer report to the wardens of the respective correctional facilities. The chief officer of the system of medical and health clinics of the Federal Penal Correction Service reports directly to the chief of the regional office of the Federal Penal Correction Service.

121. The establishment of the system of medical and health clinics of the Federal Penal Correction Service has ensured the independence of medical personnel in taking clinical decisions, preventing them from performing functions unrelated to their profession and enhancing their professional responsibility.

122. It should also be noted that, under regulation 132 of the internal regulations for remand centres of the penal correction system, medical examinations may be conducted by physicians from other facilities following a decision by the warden of the remand centre, the warden's deputy, or the person or authority handling the criminal proceedings, or at the request of suspects or accused persons or their legal counsel. If such an examination is refused, an appeal may be lodged with the procurator or the court.

### **Paragraph 6 of the list of issues**

123. On a number of occasions in recent years, the Russian Federation has granted amnesties for prisoners. In particular, pursuant to the State Duma amnesty of 2 July 2013, 58 persons were released from correctional institutions; 1,132 were released pursuant to the amnesty of 18 December 2013, on the occasion of the twentieth anniversary of the adoption of the Constitution; and 34,509 released pursuant to the amnesty of 23 April 2015, on the occasion of the seventieth anniversary of the victory in the Great Patriotic War of 1941-1945.

124. Those acts of amnesty did not apply to persons convicted of offences under articles 117 (2) (cruel treatment) and 286 (2) and (3) (abuse of authority with the use or threat of violence) of the Criminal Code.

### **Paragraph 7 of the list of issues**

125. Decisions by the Office of the Procurator General of the Russian Federation on extradition are deemed illegal and unwarranted by the courts of the Russian Federation, if it is established in judicial proceedings that the person to be extradited will incur a real risk of torture in the requesting State.

126. Over the period from 1 January 2006 to 1 April 2016, the Presidium of the Supreme Court of the Russian Federation overturned judicial decisions on extradition in 39 criminal cases, based on the outcome of its consideration of appeals against those decisions.

127. On 24 December 2014, the Office of the Procurator-General of the Russian Federation granted the request of the Office of the Procurator-General of Uzbekistan for the extradition of Mr. T., to face criminal charges for participation in religious extremist, separatist, fundamentalist or other banned organizations, under article 244-2 (1) of the Criminal Code of Uzbekistan.

128. On 18 February 2015, the Murmansk regional court blocked the extradition of Mr. T in response to his appeal against the extradition order by the Procurator-General of the Russian Federation.

129. The Criminal Division of the Supreme Court of the Russian Federation overturned the decision by the Office of the Procurator-General of 24 December 2014, citing the practice of the European Court of Human Rights and its assessment that there were inadequate assurances of compliance by the Uzbek authorities with article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, pursuant to which a person shall not be extradited if there are substantial grounds for believing that he or she may be subjected in the requesting State not only to torture but also to inhuman or degrading treatment or punishment.

130. As indicated by the Supreme Court of the Russian Federation, the use of torture against detainees in Uzbekistan and their ill-treatment were noted in the concluding observations of the Human Rights Committee of 24 March 2010 and, following consideration of the periodic report of Uzbekistan, in the concluding observations of the Committee against Torture of 14 November 2013.

131. At the same time, the Office of the Procurator-General of the Russian Federation has itself refused extradition requests from the competent bodies of Kyrgyzstan, Tajikistan and Uzbekistan, following the annulment of earlier decisions on extradition, since the European Court on Human Rights had found that the extradition of the persons concerned would breach article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950.

132. In addition, on 11 October 2013, the Office of the Procurator-General of the Russian Federation granted the request of the Office of the Procurator-General of Tajikistan for the extradition of Mr. A. to face criminal charges for participation in a criminal association (criminal organization), under article 187 of the Criminal Code of Tajikistan.

133. Mr. A. appealed against this decision, arguing that, if extradited to Tajikistan, he would be subjected to ill-treatment in violation of the provisions of article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

134. On 2 December 2013, the Moscow provincial court overturned the extradition order against Mr. A and he was released from custody. On 30 January 2014, the Criminal Division of the Supreme Court of the Russian Federation upheld the 2 December 2013 decision of the Moscow provincial court without amendment and rejected the appeal lodged against it by the procurator.

135. Similar decisions were adopted in cases involving Mr. A. and Mr. D., whose extradition was sought by the Office of the Procurator-General of Kyrgyzstan.

136. On 17 September 2013, the Office of the Procurator-General of the Russian Federation acceded to the request of the Office of the Procurator-General of Kyrgyzstan for the extradition of Mr. A., to face criminal charges for participation in acts of mass civil disorder, under article 233 (2) of the Criminal Code of Kyrgyzstan.

137. On 4 April 2013, the Office of the Procurator-General of the Russian Federation acceded to the request of the Office of the Procurator-General of Kyrgyzstan for the extradition of Mr. D., to face criminal charges for participation in acts of mass civil disorder, under article 233 (1) and (2) of the Criminal Code of Kyrgyzstan, the taking of hostages (Criminal Code of Kyrgyzstan, art. 227 (2.1), (2.3) and (2.4)), and murder (Criminal Code of Kyrgyzstan, art. 97 (2.6), (2.9), (2.10), (2.11), (2.14) and (2.15)).

138. Mr. A and Mr. D. appealed against the extradition orders under article 463 of the Code of Criminal Procedure of the Russian Federation, and the orders were set aside by Supreme Court of the Republic of Tatarstan and the Novosibirsk provincial court, respectively. The individuals concerned have been released from custody. Following the outcome of the appeal hearing in the Supreme Court of the Russian Federation, both judicial decisions have become enforceable.

### **Paragraph 8 of the list of issues**

139. Under its international obligations, the Russian Federation is prohibited from extraditing persons to countries where they may be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

140. Under article 13 of the Criminal Code, citizens of the Russian Federation who have committed offences within the territory of another State are not subject to extradition to that State. At the same time, the Criminal Code permits the extradition to a foreign State of foreign nationals and stateless persons who have committed an offence outside the territory of the Russian Federation and are currently residing in the territory of the Russian Federation, to face criminal charges or to serve a sentence in accordance with an international treaty.

141. Negotiations with the competent authorities of foreign States are guided by the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 22 January 1993 and the European Convention on Extradition of 13 December 1957.

142. The assurances given by the aforementioned authorities are determined not only by the precepts of the cited conventions, but also by the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment of 10 December 1984, the International Covenant on Civil and Political Rights of 16 December 1966, and also Russian criminal procedure. They are based on the principle of reciprocity.

143. When detainees express fears that they will be subjected to torture in the requesting State and extradition checks are carried out, all the materials gathered in such checks are properly audited by the Office of the Procurator General of the Russian Federation. In some cases, the risk of ill-treatment is assessed even when the detainees themselves do not express any such apprehensions. This applies to cases where the extradition is requested of an individual whose alleged offence is an ordinary criminal offence, but who is a member of an ethnic group other than that of the ruling elite. In such circumstances, the competent authorities of the State seeking the extradition are required to give guarantees that the rights under international treaties and domestic legislation of the individuals whose extradition is sought will be duly upheld.

144. When extradition decisions are taken, due account is taken of the domestic political situation in the requesting State, its social, political and economic circumstances, the position of the prospective extraditee's fellow-citizens in that State, and also information on the rights of persons facing criminal prosecution or convicted to custodial sentences under the legislation in force in the country submitting the extradition request.



145. Thus, decisions to extradite individuals are only taken by the Office of the Procurator-General of the Russian Federation when there are absolutely no grounds to believe that they might be treated in a manner that infringes article 3 of the Convention.

146. Currently, whenever necessary, the Office of the Procurator-General of the Russian Federation requires its counterpart office in the country submitting the extradition request to furnish guarantees that, in the event of the extradition of the individuals in question to face criminal prosecution, the competent authorities of the requesting country will ensure that Russian diplomatic representatives will have access to the relevant remand facilities, so that they can verify that the detainees' rights are being upheld. To this end, the Office of the Procurator-General of the Russian Federation not only relies on the written assurance of those States but is also guided by its positive practical experience of monitoring observance by those countries of the rights of persons extradited by the Russian Federation.

147. In addition, in collaboration with the Russian Ministry of Internal Affairs, the Office of the Procurator-General of the Russian Federation has devised a system for monitoring observance of the rights of extradited persons after they have actually been handed over to the requesting State: this takes the form of visits to remand centres by Russian diplomatic representatives. This system has been in practical operation since 2014.

148. Where Alexey Kalinichenko is concerned, we are able to report the following.

149. On 13 May 2013, Mr. Kalinichenko was sentenced by the Leninsky district court of the city of Yekaterinburg under article 159 (4) of the Criminal Code of the Russian Federation to six months' deprivation of liberty in a general regime correctional colony. Since 2 March 2015, he has been serving his sentence in correctional colony No. 2 of the Federal Correction Service Directorate for Sverdlovsk province. During his questioning by an official of the procuratorial service, Mr. Kalinichenko reported that, while serving his custodial sentence in correctional colony No. 2 in Sverdlovsk province, no unacceptable measures were applied against him by other inmates or by staff members of the facility. Nor does he have any claims or complaints against, or requests or petitions for, the administration of correctional colony No. 2, or the other inmates of the facility, regarding the regime and conditions for the serving of sentences.

150. During the period of his confinement in correctional colony No. 2 in Sverdlovsk province, Mr. Kalinichenko submitted no complaints to the Committee for the Prevention of Torture or to the embassy of Morocco to the Russian Federation, including regarding the detention conditions.

151. Where necessary, following the practice of the European Court, prior to agreeing to requests to extradite persons to Kyrgyzstan, Tajikistan or Uzbekistan, the Office of the Procurator-General of the Russian Federation requires the competent authorities of those countries to furnish guarantees that, in the event of the extradition of the individuals in question to face criminal prosecution, those authorities will ensure that Russian diplomatic representatives have access to the relevant custodial facilities, so that they can verify that the detainees' rights are being upheld.

152. Letters to that effect are sent to the Ministry of Foreign Affairs of the Russian Federation, to arrange regular checks of the observance of the rights of such persons. This is a very effective mechanism for monitoring observance of the rights of extradited persons and is seen as a reliable means of preventing unlawful treatment, which meets the requirements of international law.

**Paragraph 9 of the list of issues**

153. No decisions have been taken refusing the extradition of individuals accused of torture.

**Paragraph 10 of the list of issues**

154. When taking up their posts in the Ministry of Internal Affairs, law enforcement officers are required to study the criminal law of the Russian Federation, which includes rules prohibiting acts of torture and prescribing penalties for their perpetration. The underlying principle of police work is the observance and respect of human and civil rights and freedoms. Police officers are prohibited from applying torture, violence or other cruel or degrading treatment.

155. The staff of the internal affairs agencies, including newly recruited officers, undergo supplementary vocational training programmes to acquire the basic professional knowledge, skills, abilities and competence that they need for the performance of their official duties. The training programmes include, among other topics, the study of issues relating to the exercise of human rights and freedoms in the work of the internal affairs agencies, including international and Russian standards for the protection of human rights and freedoms.

156. In addition, pursuant to the Ministry of Internal Affairs order ratifying the procedure for the training of substitute staff in the internal affairs agencies of the Russian Federation, regular vocational training classes are arranged for Ministry staff in all units and divisions which include, in particular, the topics of observing legality in their professional conduct and ensuring the prompt, thorough and comprehensive prosecution of criminal cases.

157. In addition, training workshops for officers of the investigative units routinely include the study of judgments of the European Court of Human Rights in cases brought against the Russian Federation, and those against other countries involving violations of citizens' rights and freedoms by law enforcement authorities, and of the orders and directives of the Investigative Committee of the Russian Federation on these issues.

158. The relevant investigations offices of the Investigative Committee of the Russian Federation are working on the prevention of misconduct involving the use of violence by investigators in their operational work. On taking up their posts, officers of the Investigative Committee of the Russian Federation take an oath by which they undertake to be guided in their further work exclusively by the rules of law.

159. The initial training programme for officers of the penal correction system includes the topic of human rights protection as part of the subject "Legal and organizational principles underlying the work of the penal correction system". Trainees study specific features of the legal status of convicted persons, the conditions and procedure for remanding persons in custody who are suspected or accused of committing offences, and the international standards for the treatment of convicted persons and those remanded in custody.

160. The vocational training and further training programmes carried out in the educational establishments of the Federal Penal Correction Service are designed to refresh and update the knowledge of trainees regarding the application of Russian international law to the exercise of the rights of convicted persons and persons held in remand centres and facilities of the penal correction system.

161. By presidential decree No. 161 of 25 March 2015, ratifying the Statute of the Military Police of the Armed Forces of the Russian Federation and amending certain

enactments by the President of the Russian Federation, the military police has been entrusted with the responsibility for:

- Enforcing criminal penalties against members of the military which consist in detention in a military disciplinary unit, short-term rigorous imprisonment and other disciplinary action in the form of punitive detention;
- Holding members of the military in custody in the guardhouse on suspicion of having committed criminal offences, administrative offences or acts of gross misconduct; enforcing penalties against suspects, persons accused of criminal offences and defendants on whom custodial restraint measures have been imposed, and persons convicted by a military court and remanded in custody but whose sentences have not yet entered into force.

162. Federal laws, the statute of the military police of the armed forces of the Russian Federation and other laws and regulations of the Russian Federation set out the rights and obligations of officials working in military disciplinary units and other military police officers which relate to the enforcement of criminal penalties in the form of military disciplinary custody and short-term rigorous imprisonment.

163. Military police receive their training in the course of their vocational, duty-specific and combat instruction. The training programmes include at least two sessions per semester on key provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and trainees undergo obligatory tests at the end of the course to assess their assimilation of the course content.

164. In addition, in order to implement effective measures to improve legal proficiency among military members and civilian personnel of the armed forces of the Russian Federation, the Ministry of Defence has issued an order mandating legal training in the armed forces.

165. Over the period 2012-2015, a range of information and awareness-raising measures, designed to prevent infringements of the law and criminal offences, to promote the principles of military courtesy and to enhance standards of conduct in public places, were implemented by military police officials in the performance of their assigned functions in military units deployed to areas under the jurisdiction of the military police.

166. There are standing cooperation arrangements with the offices of the Human Rights Commissioner of the Russian Federation and the president of the Presidential Council for the Development of Civil Society and Human Rights, and associations of the parents of military personnel.

167. Judges and officials of the Supreme Court system of the Russian Federation and other subsidiary judges are kept informed about the current practice of the European Court of Human Rights and the human rights treaty bodies, including the Committee against Torture, with regard to upholding the right of individuals not to be subjected to torture and other forms of unacceptable treatment.

168. In 2013, the Supreme Court prepared a compilation of the legal positions of the Committee against Torture over the period 2011-2012, together with a compilation of the legal positions of the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of Persons with Disabilities which addressed aspects of the right of individuals not to be subjected to torture and other forms of unacceptable treatment.

169. The Supreme Court also prepared a survey of the practice and legal positions of the European Court of Human Rights on the award of just compensation for breaches by the

Russian Federation of the provisions of article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, and a list of the reports adopted by international intergovernmental organizations on the observance of human rights and freedoms by various States. These documents are constantly being updated to reflect the current practice of the European Court and of international intergovernmental organizations and are circulated to lower courts.

### **Paragraph 11 of the list of issues**

170. The treatment and medical rehabilitation of persons, including victims of crime, are administered by psychiatrists and other staff of the psychiatric organizations of the health authorities.

171. To this end, an agreement has been concluded between the V.P. Serbsky State Scientific Centre for Social and Forensic Psychiatry and the Investigative Committee of the Russian Federation on the provision of psychological and psychiatric assistance to the victims of crime. On instructions from the Investigative Committee, these persons receive medical care, psychological therapy and rehabilitation treatment administered by staff of the Serbsky centre. In addition, the centre's distinguished experts have prepared training programmes for psychiatrists and psychologists administering such services to the victims of crime.

### **Paragraph 12 of the list of issues**

172. Work is under way by the Russian authorities to boost the effectiveness of collaboration between the facilities and agencies of the penal correction system on the one hand and the public oversight commissions of the constituent entities of the Russian Federation and civil society organizations on the other, with regard to upholding the rights of persons held in detention.

173. Information on the work of the public oversight commissions may be found in annex V to the present report. For the purposes of monitoring progress in remedying shortcomings identified by members of the public oversight commissions and assessing the effectiveness of this work, a register is kept in each correctional facility and remand centre to record the findings of inspection visits by members of the commissions and the response measures that have been taken.

174. As part of this collaboration, staff of the Federal Penal Correction Service take steps to verify allegations of the violation of the rights and freedoms of persons held in places of detention, and organize missions to local authorities of the Federal Penal Correction Service in order to provide practical assistance and to remedy shortcomings.

175. As part of the development of collaborative arrangements with human rights organizations, in 2015 a total of 1,158 such verification audits of special facilities were carried out by members of the public oversight commissions, 1,158 in 2014 and 771 in 2013. An analysis of these audits attests to the absence of any deliberate actions by officials of the special facilities or the police that infringe the rights and freedoms of the citizens detained in them.

176. As an official statistical procedure, information is gathered on the results of monitoring management performance relating to the custody, protection and escorting of persons detained on suspicion of committing an offence and taken into custody in the manner prescribed by the Code of Criminal Procedure. This information-gathering exercise is carried out by the procuratorial authorities, the Human Rights Commissioner and the

Commissioner's staff, the Public Council under the Ministry of Internal Affairs, the Ministry itself, the Ministry's general directorates and its local offices in the constituent entities of the Russian Federation, and the public oversight commissions.

177. Pursuant to article 19 of Federal Act No. 76 of 10 June 2008, on public monitoring of arrangements to uphold human rights in places of detention and measures to assist persons held in such places, the facilities and authorities of the Russian Federal Penal Correction Service review the findings, suggestions and complaints addressed to them by the public oversight commissions and notify the commissions of the outcome of such review, in compliance with the laws and regulations of the Russian Federation.

178. The law does not require that consolidated reports be compiled of the observations made by members of the public oversight commissions, and no such reports are compiled.

179. No information is available on whether or not criminal proceedings have brought against staff of facilities of the penal correction system under the above articles of the Criminal Code in the light of the findings of members of the public oversight commissions during their visits to such facilities.

### **Paragraph 13 of the list of issues**

180. Visits by members of the public oversight commissions to detention facilities holding convicted persons are regulated by article 24 of the Penal Enforcement Code of the Russian Federation. Public monitoring of observance of human rights in correctional facilities is carried out by public oversight commissions in accordance with Federal Act No. 76 of 10 June 2008, on public monitoring of arrangements to uphold human rights in places of detention and measures to assist persons held in such places, and by their members on the basis of and in the manner prescribed by the law of the Russian Federation.

181. Members of the public oversight commissions are entitled to visit places of detention in accordance with the prescribed procedure.

182. Reports on the shortcomings identified by members of the public oversight commissions during their visits to facilities of the penal correction system are submitted to local authorities of the Federal Penal Correction Service and, in the event that breaches of the law and violations of human rights have been identified, to local procuratorial authorities and offices of the Russian Investigative Committee.

183. In compliance with the instructions on the organization and conduct of official audit of the facilities and offices of the penal correction system, such official checks have been carried out in respect of six employees of the system in Irkutsk and Sverdlovsk provinces. The findings of these audits led to decisions to impose disciplinary sanctions on them, commensurate with their guilt, the reasons and conditions prompting the commission of their disciplinary offences, and other associated circumstances.

184. The disciplinary sanctions were duly imposed on the employees in question. Currently, two of the six staff members remain in the employment of the Irkutsk provincial penal correction system while the other four have been dismissed.

185. No reports have been received of efforts by staff members of the penal correctional system to obstruct members of the public oversight commissions in the performance of their duties over the period 2013-2015.

**Paragraph 14 of the list of issues**

186. The activities of the public oversight commissions are governed by the provisions of Federal Act No. 76 of 10 June 2008, on public monitoring of arrangements to uphold human rights in places of detention and measures to assist persons held in such places.

187. In accordance with the Act, the public oversight commissions operate on a permanent basis in accordance with the procedure established by the Act and by other laws and regulations of the Russian Federation, with a view to promoting the implementation of State policy relating to the upholding of human rights in detention facilities.

188. Each constituent entity of the Russian Federation has one public oversight commission, which operates within the territory of that entity.

189. The Council of the Civic Chamber of the Russian Federation determines the size of each such public oversight commission, which ranges from 5 to 40 members. Following the formation of a public oversight commission, the Council is entitled to rule on changes to its number of members.

190. Duly registered nationwide, interregional and regional civil society organizations which have been in operation for at least five years since their incorporation and whose statutory purpose or activity is to protect or to promote the protection of civil and human rights and freedoms have the right to nominate candidates for the public oversight commissions. The governing board of each such civil society organization may nominate two candidates for membership of the public oversight commission.

191. Members of the public oversight commissions serve for a term of three years. Not later than 90 days prior to expiration of their term of office, and also in cases where the commission itself is disbanded, the secretary of the Civic Chamber of the Russian Federation posts an announcement in the relevant official gazette of the initiation of procedures for the nomination of candidates for the newly constituted public oversight commission.

192. Article 24 of Federal Act No. 76 stipulates that the obstruction of public monitoring is a punishable offence under Russian law.

193. Under paragraph 4 of the regulations on visits to facilities of the penal correction system by members of public oversight commissions, the commissions notify the relevant local agency of the Federal Penal Correction Service of any planned visit, indicating the facility to be visited and the date and time of the visit.

194. Under article 23 of the Penal Enforcement Code of the Russian Federation, members of public oversight commissions have the right, in the exercise of public monitoring of human rights in remand centres, correctional facilities and disciplinary military units, to talk with convicted inmates under conditions that allow representatives of the correctional facilities or representatives of the disciplinary military unit to see but not to hear them.

195. Generally speaking, engagement with the public oversight commissions is pursued in a constructive manner. At the same time, breaches of Russian legislation regulating public monitoring do sometimes occur when members of the commissions visit remand centres.

196. The activities of certain individuals belonging to human rights organizations are destructive in nature and designed to destabilize the situation in correctional facilities. Thus, over the period 2012-2014, the head of the Sverdlovsk provincial civil society organization Pravovaya Osnova (Legal Basis), Aleksey Sokolov, repeatedly published fabricated reports in print and electronic media of the use of torture on convicted persons. In response to each allegation by Mr. Sokolov, the Sverdlovsk provincial directorate of the

Russian Federal Penal Correction Service carried out checks with the assistance of members of the public oversight commission of Sverdlovsk province and representatives of the local office of the Russian Human Rights Commissioner and of the law enforcement authorities of Sverdlovsk province. The checks established that Mr. Sokolov's allegations were unfounded. Mr. Sokolov has himself been prosecuted on criminal charges on a number of occasions.

### **Paragraph 15 of the list of issues**

197. In its current wording, article 19.32 of the Code of Administrative Offences establishes the administrative liability of officials for obstructing the work of members of public oversight commissions to conduct public monitoring of human rights in detention facilities.

198. As part of their in-service training, the staff of all regional offices of the Russian Federal Penal Correction Service attend additional courses every year, including with the attendance of members of public oversight commissions, to study federal legislation and departmental regulations.

199. Workshops for members of the public oversight commissions and staff of the internal affairs agencies and the penal correction system are regularly organized by the Presidential Council for the Development of Civil Society and Human Rights and the Office of the Russian Human Rights Commissioner, together with the Council of Public Supervisory Commissions, a national public organization.

### **Paragraph 16 of the list of issues**

200. During his remand in custody, Sergey Magnitsky was not subjected to torture, inhuman or degrading treatment. His handcuffing, which took place on 16 November 2009, was lawful.

201. While Mr. Magnitsky was held in the detention facility No. IZ-77/5 and remand centre No. 1 of the Federal Penal Correction Service in Moscow, he was provided with the necessary medical assistance.

202. Allegations that, just before his death, Mr. Magnitsky was beaten up by staff of detention facility No. IZ-77/1 with the use of special devices – namely, rubber truncheons – were unfounded and refuted by the evidence gathered. The forensic medical examination of Mr. Magnitsky's body revealed no traces of the use of violence against him.

203. According to rule 91 of the remand centre house rules, management staff make daily tours of the cells and receive proposals, applications and complaints both in writing and orally from the suspects (accused persons). All incoming proposals, applications and complaints are logged in a ledger of proposals, applications and complaints from suspects and accused and convicted persons.

204. In accordance with rule 92 of the house rules, all orally delivered proposals, applications and complaints are recorded by the supervisor of the unit in the ledger of proposals, applications and complaints from suspects and accused and convicted persons against the signature of the proposer, applicant or complainant. Oral proposals, applications and complaints are conveyed to the person responsible for their consideration.

205. Suspects and accused persons receive responses to their oral submissions within 24 hours, and these are duly recorded in the ledger of proposals, applications and

complaints from suspects and accused and convicted persons. In the event that an additional inquiry is needed, the response is given within five days.

206. A full and comprehensive criminal investigation has been conducted into Mr. Magnitsky's death. The investigation was conducted over a period of two and a half years. More than 50 persons were questioned in connection with the case and more than 20 diverse and complex forensic examinations were carried out, including examinations by special commissions and integrated examinations.

207. The conditions in which Mr. Magnitsky was held in remand centre No. 2 were entirely consistent with the laws of the Russian Federation.

208. At the same time, the medical staff of remand centre No. 2 were responsible for a number of misdeeds regarding Mr. Magnitsky: they failed to carry out a second ultrasound scan of his abdomen, despite the recommendation of the attending physician; nor was he sent for a consultation with a surgeon, as recommended on 24 August 2009 by the medical attendant on duty in remand centre No. 2.

209. The officials responsible for these breaches of conduct were subjected to disciplinary measures. The chief of the Moscow office of the Federal Penal Correction Service, Major-General D., and the warden of remand centre No. 2, Lieutenant-Colonel K., were both dismissed from their posts.

210. Disciplinary action was taken against the deputy chiefs of the Moscow office of the Federal Penal Correction Service, Lieutenant-Colonel T. and Colonel A., and also against the chief of the medical division of the Moscow office of the Federal Penal Correction Service, Lieutenant-Colonel L.

211. In addition, disciplinary action was taken against the chief of the Remand Centres and Prisons Division of the Federal Penal Correction Service, Major-General G., the chief of the Medical Division of the Federal Penal Correction Service, Colonel T., the first deputy chief of the Remand Centres and Prisons Division of the Federal Penal Correction Service, Colonel O., and the deputy chief of the Medical Division of the Federal Penal Correction Service, Colonel P.

212. Of the above-mentioned officials, Colonel T., chief officer of remand centre No. 2 in Moscow, and Colonel A., deputy chief of the Moscow division of the Federal Penal Correction Service have remained in service in the country's penal correction system.

213. On 15 February 2013, a working meeting was held between representatives of the Federal Penal Correction Service and Andreas Gross, Rapporteur of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe, at which issues relating to the death of the accused, Mr. Magnitsky, were comprehensively reviewed.

### **Paragraph 17 of the list of issues**

214. The general rules on questioning procedures are regulated by chapter 26 of the Code of Criminal Procedure, under which investigative actions may not be carried out at night, except where urgency is paramount. No violence, threats or other unlawful measures may be used in the conduct of investigative actions, nor may the life and health of the persons involved be jeopardized in any way. Interrogations may not continue for more than four hours without a break; the total duration of interrogation may not exceed eight hours in any one day and breaks must be at least one hour in length.

215. By Federal Act No. 432 of 28 December 2013, article 191 of the Code of Criminal Procedure has been amended, to stipulate that a teacher or psychologist must be present



during questioning, identity parades, identifications and verification of evidence involving the participation of a minor victim or witness who is under the age of 16 or who has reached the age of 16 but is suffering from psychological problems or developmental delay. If the above investigative activities involve the participation of a minor who has reached the age of 16, a teacher or psychologist is invited to observe the investigator. If these investigative actions involve a minor victim or witness under the age of 7, they may not continue for more than 30 minutes without a break, or for more than one hour in total; if the victim or witness is aged between 7 and 14 years – for more than one hour without a break, or for more than two hours in total; and for victims and witnesses over the age of 14 – for more than two hours without a break, or for more than four hours in total in any one day.

216. Federal Act No. 103 of 15 July 1995, on the remand in custody of suspects and those accused of having committed offences, was amended by Federal Act No. 193 of 28 June 2014.

217. The additions to article 18 (5) of the Act stipulate that, by written permission of the person or body handling the criminal case, interviews shall be arranged for suspects (accused persons) with their representatives in the European Court of Human Rights and persons providing them with legal assistance in connection with their intention to appeal to the European Court. Such interviews are not allowed if their conduct may in any way hinder the proceedings in the criminal case.

218. Amendments and additions have been made to articles 24, 30, 31 and 42 of Federal Act No. 435 of 28 December 2013, relating to the provision of medical care to suspects (accused persons). The additions to article 24 (4) stipulate that, in the event of a deterioration in the health of a suspect or accused person, officers of the custodial facility shall promptly take steps to provide the suspect (accused person) with medical care.

219. Federal Act No. 212 of 21 July 2014 on the principles of public monitoring in the Russian Federation regulates the system of public monitoring in the country. Under the act, public oversight may be exercised by the civic chambers at federal, regional and local levels, public councils in federal executive authorities, the executive authorities of the constituent entities of the Russian Federation and local authorities. To carry out public monitoring, public oversight commissions, supervisory boards, public inspectorates, public monitoring groups and other organizational structures may be created. When conducting such public monitoring, the bodies concerned are advised to liaise with the central authorities and local governments.

220. By Federal Act No. 260 of 13 July 2015 the Penal Enforcement Code of the Russian Federation was amended to increase the monthly allowances paid to convicted persons to enable them to buy food and essential items.

221. By Federal Act No. 103 of 20 April 2015 amendments were made to article 14 of the Penal Enforcement Code and other legislative acts of the Russian Federation governing the presence of religious organizations in places of deprivation of liberty, the provision of face-to-face meetings with members of the clergy, and the conduct of religious rites and ceremonies in penal institutions.

222. A bill has been prepared to amend Act No. 5473-I of 21 July 1993, on institutions and agencies enforcing criminal penalties in the form of deprivation of liberty, specifying cases where physical force and special devices may be used and removing imprecise wording contained in current legislation. This will significantly reduce the risk of infringements of the law.

223. Currently, draft Federal Act No. 949326-6, amending certain legislative acts of the Russian Federation with a view to improving public monitoring of human rights in detention facilities, is under consideration by the State Duma of the Federal Assembly of

the Russian Federation. The bill is designed to amend Federal Act No. 76 and Federal Act No. 103 by extending and making explicit the powers of members of public oversight commissions with a view to enhancing the effectiveness of such public scrutiny.

224. By its order No. 1877-r of 23 September 2015, the Russian Government approved changes to the road map for the development of the penitentiary system of the Russian Federation over the period to 2020, with the aim of creating conditions for the steady reduction of the number of inmates in the same cell-blocks in correctional facilities, giving priority to educational colonies for the detention of juveniles. The road map also includes a new subsection on upholding the rights and lawful interests of convicted persons and persons remanded in custody.

225. By its order No. 277 of 3 December 2015, the Ministry of Justice amended the house rules of remand centres. In order to bring the remand centre house rules into line with Federal Act No. 83 of 8 May 2010, amending certain legislative acts of the Russian Federation with a view to improving the legal status of State (municipal) institutions, the list of supplementary services provided by remand centres has been expanded. Procedures have also been established to enable persons remanded in custody to obtain reading material and for the examination of parcels, postal packages and care packets.

226. The order also expands the list of basic necessities, footwear, clothing and other manufactured goods, and also specifies the foodstuffs which suspects (accused persons) may bring with them, keep, receive in parcels and postal packages and acquire on a non-cash basis.

227. Annex No. 2 to the remand centre house rules has been substantially revised and made much more specific. For example, minor suspects (accused persons) are prohibited to bring with them, store, or receive parcels and postal packages containing cigarettes and matches, and foodstuffs; objects and other items are divided into those that may be received in parcels and postal packages or bought in the remand centre shop (kiosk), and also those which suspects (accused persons) may have and keep only if they have acquired them in the remand centre shop.

### **Paragraph 18 of the list of issues**

228. A number of criminal proceedings were instituted under article 318 (1) of the Criminal Code, regarding protests and mass disturbances carried out on 24 November 2012 on the grounds of correctional colony No. 6 of the Federal Penal Correction Service Directorate for Chelyabinsk province. These have now been combined into a single case.

229. Over the period 2013-2015, a large number of complaints, including collective complaints, were submitted to the investigations department of the Investigative Committee for Chelyabinsk province, by convicted inmates of correctional colony No. 6, their relatives and other persons.

230. All the complaints submitted were registered in the prescribed manner. Some of these related to criminal cases and, in the course of their consideration, the arguments put forward by the complainants were duly verified.

231. Some complaints, in accordance with the prescribed reporting channels, were forwarded to the office of the Chelyabinsk provincial procurator, because issues of compliance with labour legislation, the provision of medical assistance to convicted persons, and compliance with the legislation on the procedure for the serving of sentences in correctional facilities had not been properly considered during the respective criminal proceedings. These matters fall under the competence of the procuratorial system.

232. The investigations agencies of the Investigative Committee of the Russian Federation reviewed criminal proceedings that been conducted against Mr. M., warden of correctional colony No. 6 of the Federal Penal Correction Service for Chelyabinsk province. He was found guilty of abuse of authority involving the systematic and unlawful extortion of money for the benefit of correctional colony No. 6 from convicted inmates and their relatives, which subsequently led to serious consequences (Criminal Code, art. 285). Mr. M. was sentenced by the court.

233. Disciplinary penalties were imposed on 15 staff members in the light of an audit of their performance, which found that they had failed in their duties by allowing an act of mass disobedience by convicted persons serving sentences in correctional colony No. 6.

234. No evidence was found that members of the Chelyabinsk provincial public oversight committee and representatives of the investigations department of the Investigative Committee for Chelyabinsk province had been obstructed by the management of the correctional facilities and agencies in their efforts to visit correctional colony No. 6 in November 2012.

235. A total of 147 complaints relating to the aforementioned events which had been submitted in the manner prescribed by law were forwarded to the investigations department of the Investigative Committee for Chelyabinsk province, to the procuratorial office responsible for overseeing observance of the law in the correctional facilities of Chelyabinsk province and to the public oversight committee of Chelyabinsk province.

236. Articles 124 and 125 of the Code of Criminal Procedure and order No. 17 of 19 September 2007 of the Investigative Committee under the Office of the Procurator of the Russian Federation, promulgating the instructions on the procedure by which the Investigative Committee considers complaints and receives citizens, stipulates the procedure for dealing with complaints submitted to the investigations offices of the Investigative Committee of the Russian Federation.

### **Paragraph 19 of the list of issues**

237. Over the period 2013-2015, no evidence was established of incidents of torture or other ill-treatment by officers of the special police detachments.

238. In 2015, 233 complaints were lodged with the Ministry of Internal Affairs of the Russian Federation by suspects, accused persons and persons placed under administrative detention and held in custodial facilities; 195 such complaints were lodged in 2014, and 209 in 2013. In most cases, the complaints relate to shortcomings in the provision of material and household and other supplies to inmates, owing to the fact that a large number of these facilities entered into operation prior to the entry into force of updated legislation and international standards governing conditions of detention.

239. Measures to ensure compliance with the law during the arrest, detention and remand in custody of persons suspected or accused of committing offences and persons subject to administrative detention are constantly monitored by the senior management of the competent executive authorities.

240. The Federal Penal Correction Service is taking effective measures to prevent all acts of cruelty by staff of its penal facilities and also by convicted inmates and persons remanded in custody.

241. In particular, in 2012 the Vladimir provincial office of the Federal Penal Correction Service received 28 complaints of unlawful actions by its staff and by convicted persons in various correctional facilities of Vladimir province. Checks were carried out and the allegations were all found to be unsubstantiated.

242. The 2012 register maintained by the Vladimir office of the Federal Penal Correction Service of reports of offences contains 25 reports of the laying of criminal charges against corrections officers and against convicted inmates of various correctional facilities of Vladimir province for misconduct. Of these, 19 were referred for further action by the investigations division of the Vladimir provincial office of the Investigative Committee of the Russian Federation and six to the Vladimir provincial office of the Ministry of Internal Affairs. In the light of these initial inquiries, decisions were taken not to institute criminal proceedings.

243. In 2012, the Bashkortostan office of the Federal Penal Correction Service received 121 complaints of unlawful actions by staff of various correctional facilities of the Republic of Bashkortostan. Checks were carried out and none of the allegations contained in the complaints were found to be substantiated.

244. No complaints were submitted in 2012 to the Tatarstan office of the Federal Penal Correction Service of unlawful actions by officers of the correctional facilities of the Republic of Tatarstan.

245. No complaints were lodged against the Federal Penal Correction Service offices in Vladimir province, the Republic of Bashkortostan or the Republic of Tatarstan of the use on convicted persons of electric shocks, the so-called “televizor” method, suffocation with plastic bags or burning of their genitalia.

### **Paragraph 20 of the list of issues**

246. Each local investigations agency of the Investigative Committee of the Russian Federation has the necessary procedural powers to investigate offences committed by law enforcement officials.

247. The unit at the Central Investigation Department of the Investigative Committee of the Russian Federation responsible for investigating offences committed by law enforcement officials has 10 full-time staff members. There is no special allocation of financial resources for the unit’s needs. The unit’s investigators review complaints of offences and investigate criminal proceedings. The unit’s management has powers similar to those provided by the Code of Criminal Procedure and, in addition, examines complaints about actions or omissions of its own investigators. There are no territorial limits within the Russian Federation to the conduct of investigative work by the unit’s investigators. The review of reports of offences and of criminal proceedings is undertaken on the instructions of senior managers of the relevant investigative agency.

248. The unit has the power to consider complaints and allegations of offences against employees of the Ministry of Internal Affairs. Pursuant to the directive of the Investigative Committee of the Russian Federation defining the jurisdiction of its special investigative bodies, the consideration of allegations concerning offences by military personnel (of the Ministry of Defence and the Federal Security Service) is the responsibility of the military investigative authorities of the Investigative Committee.

249. No reports of offences involving torture have been submitted by the civil society organization Nizhny Novgorod Committee against Torture to the unit at the Central Investigation Department of the Investigative Committee of the Russian Federation responsible for investigating offences committed by law enforcement officials.

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**Paragraph 21 of the list of issues**

250. No officials of the investigations divisions of the Investigative Committee of the Russian Federation with responsibility for territorial entities forming part of the North Caucasus Federal Area and the Southern Federal Area, or of Investigations Division No. 7 of the Central Investigation Department or of the Central Investigation Department for the North Caucasus Federal Area have been charged for failure to investigate reports of torture or ill-treatment or for refusal to cooperate with any investigations.

251. Checks have been carried out relating to individual cases in response to reports of unlawful acts by law enforcement officers.

252. Thus, on 1 September 2014, criminal proceedings under docket No. 14177042 were initiated by the investigations unit for the Lazarev district of the city of Sochi, which reports to the investigations division of the Investigative Committee of the Russian Federation responsible for the Krasnodar territory, against detective officer A. of the Loo village police detective unit, which reports to the Lazarev district police office of the Sochi department of internal affairs. Mr. A. was charged on the basis of evidence of offences under article 286 (3a) and (3b) and article 293 (1) of the Criminal Code.

253. On 30 April 2015 criminal proceedings were initiated by the same investigations unit under docket No. 15177042 against local district police chief A. of the police commissioners and juvenile affairs office of Loo village police station, under the Lazarev district police office of the Sochi department of internal affairs, under article 286 (3a) and (3b) of the Criminal Code. The above criminal proceedings have now been combined into a single case.

254. Criminal charges have also been brought against police officers A. and N. for the use of torture against Mr. S., which took the form of pulling a plastic bag over his head and thereby obstructing the passage of air, sending electric shocks through the victim's body and administering beatings to him with the aim of coercing him to confess. The criminal case was sent to the court for consideration on the merits. Mr. A. and Mr. N. were found guilty.

255. The European Court of Human Rights has handed down a number of decisions on complaints against the Russian Federation, in which it has found violations by the Russian authorities of articles 2, 3 and 5 of the Convention, primarily relating to the unlawful detention, death or disappearance of citizens, failure to conduct effective investigations of facts, and the moral suffering of relatives of deceased victims and missing persons.

256. These include its judgment of 9 April 2009 on the complaint brought by Jabrailov against the Russian Federation, which found a violation by the Russian authorities of articles 2 and 5 of the Convention relating to the detention of the complainant's son allegedly by Russian soldiers in circumstances hazardous to his life (which lead to the son's death) and the failure to conduct an effective investigation into these violations, and also of article 3 of the Convention, relating to the moral suffering caused to the complainant by the disappearance of her son, and the lack of any information about him for an extensive period.

257. Measures are being taken by the Russian authorities to deal with and prevent the violations identified by the European Court in the cases concerned, as part of the group of Khashiev cases. The Russian authorities regularly inform the Committee of Ministers of the Council of Europe about the measures taken in this regard. Since 2013, the Russian authorities have submitted four action plans, setting out detailed information on measures taken and envisaged.

258. These documents indicate the measures taken and planned by the Russian authorities over the time that has elapsed since the events under consideration by the European Court.

259. The strategy that has been developed and is being put into effect to implement the judgments in this category includes work in certain key areas, including incorporation of the provisions of the Convention into the Russian legal system.

260. No information is available on the arrests of Circassians during the Olympic games in Sochi in 2014. Nor have any requests been received from the European Court on Human Rights relating to complaints regarding the arrest during the Sochi Olympics of persons belonging to this ethnic group.

### **Paragraphs 22, 23, 24 and 25 of the list of issues**

261. Having ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1987, the Russian Federation has assumed the obligations under its provisions.

262. We have taken note of the appointment by the Committee against Torture of a rapporteur on reprisals, and also the decision of the chairs of the human rights treaty bodies at their twenty-seventh meeting to adopt the guidelines against intimidation or reprisals (the so-called San José guidelines).

263. By signing the Convention, the Russian Federation accepted those obligations that are set out in that instrument, but not the future ideas and proposals by the Committee relating to its working methods.

264. In that connection, the Russian Federation considers that all the practices, general comments and working methods of the Committee are of a purely internal nature and do not impose additional obligations on any States parties to the Convention, including the Russian Federation.

265. With regard to the substance of the communications by the Committee regarding the situation of the Anti-Discrimination Centre “Memorial” and the “Public Verdict” Foundation, and also the cases involving Elena Klimova and Evgeny Vitishko, issues relating to the consideration of the murders of Anna Politkovskaya and Natalia Estemirova, and the amendments to the act on non-profit organizations, referred to in paragraphs 22-25 of the list of issues, the Russian Federation considers that these matters do not fall within the mandate entrusted to the Committee by the Convention. Exercise of the right to participate in political and public life is provided for in article 25 of the International Covenant on Civil and Political Rights. Accordingly, issues relating to exercise of this right are discussed in the national reports of the Russian Federation to the Human Rights Committee, created under the aforementioned Covenant.

266. By taking up issues that lie outside its mandate, the Committee against Torture is creating unnecessary duplication of the work of the committees and acting in conflict with the provisions of General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, which in practice is further draining the limited budget allocated to the treaty bodies.

### **Paragraph 26 of the list of issues**

267. There are no arrangements in the Russian Federation for the collection of statistics of offences committed against its citizens on the grounds of race, ethnic background, origin, attitude to religion, beliefs, or membership of public associations or any social group. At

the same time, a register is kept of offences committed on the grounds of racial discrimination.

268. Statistics on the application of the article 282 of the Criminal Code and information on court cases involving racial discrimination and offences perpetrated against foreign nationals and stateless persons may be found in annexes VI, VII and VIII to the present report.

### **Paragraph 27 of the list of issues**

269. The courts of the Russian Federation do not compile separate information in the form of basic statistics or statistical reporting forms recording the outcome of criminal and civil cases in the Russian Federation, or statistics on the number of cases in which confessions obtained by torture were deemed inadmissible as evidence, or on the number of applications for the payment of compensation to victims of torture that have been considered in the course of criminal or civil proceedings.

270. On the issue of rehabilitation programmes for victims of torture, including medical and psychological assistance, we are able to report that, under the Constitution of the Russian Federation and article 19 (1) of Federal Act No. 323 of 21 November 2011, on the principles of public health care in the Russian Federation, everyone has the right to health care and medical assistance.

271. Moreover, under article 19 (5) of the Act, every patient also has the right to medical rehabilitation in medical institutions under conditions consistent with health and hygiene requirements.

272. We may note that these standards apply to all citizens without exception, including persons who have been subjected to torture, detainees, persons remanded in custody, persons serving sentences in the form of restriction of liberty, short-term rigorous detention, deprivation of liberty or administrative detention. In accordance with article 26 of Federal Act No. 323 of 21 November 2011, if it is not possible to provide them with medical care in facilities of the penal correction system, they are entitled to health care in the medical institutions of the public and municipal health-care systems, and also to request consultations with physicians of the said medical institutions in the manner prescribed by the Government of the Russian Federation.

273. To protect these persons from possible unlawful acts against them, including torture by health workers, paragraph 5 of the aforementioned article prohibits the involvement of detainees, persons remanded in custody, persons serving sentences in the form of restriction of liberty or short-term rigorous detention, deprivation of liberty or administrative detention as subjects for clinical testing, or the testing of medicines, specialized therapeutic foods, medical products and disinfectants.

274. With regard to the medical rehabilitation of persons who have been subjected to torture, we note that medical rehabilitation constitutes a range of measures of a medical and psychological nature aimed at the complete or partial rehabilitation of damaged and functions, (or) compensation for lost functions, of the affected organ or body system, the maintenance of bodily functions during the full onset of sudden acute pathologies or the exacerbation of chronic pathological processes in the body, and also the prevention, early detection and correction of possible malfunctions of the damaged organs or body systems, the prevention and reduction of possible disability, improvement of quality of life, preservation of the patient's fitness to work and integration into society (Federal Act No. 323, art. 40 (1)).

275. All these measures are undertaken in medical institutions and include the integrated application of natural therapies, drug-based and non-drug-based treatments and other approaches.

276. Medical rehabilitation is organized in accordance with the procedures laid down in Ministry of Health order No. 1705n of 29 December 2012, the provisions of which also apply to all citizens, including persons who have been subjected to torture.

277. According to the provisions of that order, medical rehabilitation is carried out with due account for morbidity and disability, following the principal categories of diseases and their individual classification and includes:

- Assessment of the patient's clinical condition (diagnosis); risk factors associated with rehabilitation measures; factors limiting rehabilitation measures; morphological parameters; functional reserves of the body; state of higher mental functions and emotional responses; disruption of usual behavioural and occupational skills; limitation of the patient's activity and ability to participate in necessary events in private and public life; environmental factors that influence the outcome of the rehabilitation process;
- Determining the objective of the rehabilitation measures, the comprehensive application of drug-based and non-drug-based therapy (physiotherapy, remedial exercise, massage, curative and prophylactic diets, chiropractic, psychotherapy, reflexotherapy and natural curative methods) and measures designed to adapt the patients' surroundings to their functional abilities – or their functional abilities to their surroundings – including through the use of mobility devices, prosthetics and orthetic appliances;
- Assessment and prognosis of the effectiveness of rehabilitation measures. On the basis of the above considerations, a personal medical rehabilitation programme is prepared.

278. Rehabilitation measures forming part of a medical rehabilitation programme are carried out with the assistance of medical specialists in the specific medical areas concerned, such as medical rehabilitation specialists, medical psychologists, psychiatrists, psychotherapists and others.

279. Furthermore, where there are medical indications for the continuation of medical rehabilitation, the citizens concerned may be assigned for treatment in health spas.

### **Paragraph 28 of the list of issues**

280. Under Russian criminal procedural legislation, the legal notion of redress is enshrined in chapter 18 of the Code of Criminal Procedure.

281. This chapter sets out the basis for the right to redress, the categories of persons entitled to redress, the procedure for providing compensation for material and moral damage, and restoration of other rights of rehabilitated persons.

282. In cases which do not fall under criminal procedural legislation, issues relating to redress are resolved in civil proceedings.

283. Article 1069 of the Civil Code of the Russian Federation stipulates that the harm caused to a citizen or a legal entity as a result of unlawful acts or omissions by State bodies or officials of these bodies shall be subject to compensation from the Government of the Russian Federation, the government of a constituent entity of the Russian Federation or a municipal government.



284. Article 1070 (1) of the Civil Code provides that harm caused to a citizen as a result of an unlawful conviction, an unlawful criminal prosecution, unlawful remand in custody or the unlawful imposition of a restraining order in the form of a travel ban must be compensated in full by the State, or, as prescribed by law, by the government of a constituent entity of the Russian Federation or a municipal government, regardless of whether or not the officials of the bodies responsible for conducting the initial inquiry or pretrial investigation, of the procuratorial service or the courts are at fault, in the manner prescribed by law.

285. In other cases, compensation for harm shall be provided on the grounds and in the manner provided for in article 1069 of the Civil Code. Harm caused in the administration of justice shall be compensated if the fault of the judge is established in the ruling of a court and the ruling has become enforceable (Civil Code, article 1070 (2)).

286. Where the allocation of funding for the effective functioning of rehabilitation programmes is concerned, we may note that financial resources for the rehabilitation of citizens, including victims of torture, are provided in accordance with the legislation relating to health care.

287. As defined in article 2 of Federal Act No. 323 of 21 November 2011, medical assistance includes medical rehabilitation. The sources of funding for the provision of medical assistance to citizens are stipulated in article 83 of Federal Act No. 323.

288. Thus, financial resources for the medical rehabilitation of citizens which is undertaken as part of primary health care services and of specialized medical assistance are provided from the following: compulsory medical insurance funds; allocations from the federal budget, budget allocations from the constituent entities of the Russian Federation for the implementation of regional State programmes for the provision of guaranteed free medical assistance to citizens (to cover medical assistance not covered by compulsory health insurance, and also costs not included in the system of medical assistance tariffs covered by compulsory health insurance programmes); and from other sources, as specified in Federal Act No. 323.

289. Furthermore, in accordance with article 83 (11) of Federal Act No. 323, sources of funding for the provision of medical assistance in cases not specifically covered by the aforementioned act or by other federal laws shall be identified in line with the provisions of the State programme for the provision of guaranteed free medical assistance to citizens.

290. In that regard, the 2016 version of the State programme for the provision of guaranteed free medical assistance to citizens, as ratified by government decision No. 1382 of 19 December 2015, expressly states that financial resources for the provision of medical rehabilitation in medical institutions shall be provided from compulsory health insurance funds as part of the basic compulsory medical insurance programme.

291. Following prescribed arrangements, financial resources for the provision of medical care in specialized medical institutions and the relevant subsidiary units of medical organizations providing medical assistance falling in the category of medical rehabilitation for conditions not covered by the basic compulsory medical insurance programme (sexually transmitted infections, diseases resulting from AIDS and HIV, tuberculosis, mental and behavioural disorders, including those resulting from substance abuse) are provided from allocations from the federal budget, the budgets of the constituent entities of the Russian Federation and local budgets (in cases where the State authorities of the constituent entities of the Russian Federation have transferred the respective public health care-related powers to local authorities).

**Paragraph 29 of the list of issues**

292. Article 74 (2) of the Code of Criminal Procedure lists the evidence that may be used in criminal proceedings. The following evidence is admissible: the testimony of a suspect (accused person); the testimony of a victim and a specialist witness; the findings and testimony of a specialist; material evidence; records of the investigative and judicial actions; other documents.

293. The basic condition for the admissibility of any evidence is that it shall have been obtained in a manner consistent with the Code of Criminal Procedure.

294. Thus, article 75 (1) of the Code of Criminal Procedure rules that evidence obtained in breach of the requirements of the Code shall be inadmissible. Inadmissible evidence shall have no legal force and may not serve as the basis for an indictment or be used as proof of any of the circumstances adduced in support of the charges brought in criminal proceedings.

295. In particular, inadmissible evidence includes the testimony of a suspect or accused person provided during the pretrial investigation in a criminal case in the absence of a lawyer, including when legal counsel has been declined, and not upheld by the suspect or accused person in court, together with any other evidence obtained in breach of the requirements of the Code.

296. Under article 88 of the Code of Criminal Procedure, each piece of evidence shall be evaluated in terms of its relevance, admissibility and reliability. In the cases specified in article 75 (2) of the Code, the court, the procurator, the investigator and the official conducting the initial inquiry shall deem the evidence inadmissible.

297. The procurator, the investigator and the inquirer shall be entitled to deem evidence inadmissible upon a petition by the suspect or the accused, person, or on their own initiative. Any evidence deemed inadmissible may not be included in the decision to indict, charge sheet or final bill of indictment.

298. The court may deem evidence to be inadmissible upon the parties' petition or on its own initiative in accordance with the procedure established by articles 234 and 235 of the Code of Criminal Procedure, in other words, during the preliminary hearing or directly in judicial proceedings.

299. If defendants complain that torture has been used on them to coerce them into giving evidence, the judge shall transmit the defendant's statement to the investigative authorities or the procurator's office, or shall take it upon himself or herself to examine the evidence to determine whether torture has been used against the defendant. If the court is satisfied that evidence had been obtained through torture, such evidence shall be deemed inadmissible.

300. The judgments of the European Court of Human Rights relating to cases in which courts of the Russian Federation have reviewed evidence obtained as a result of torture are brought to the attention of the judges and officials of the Supreme Court of the Russian Federation and of the lower courts. Such cases include the judgments of 18 July 2013 in the case *Nasakin v. Russia*, of 14 November 2013 in the case *Ryabtsev v. Russia*, of 16 October 2014 in the case *Mostipan v. Russia*, and of 30 April 2015 in the case *Shamardakov v. Russia*.

301. Investigators make video recordings of interrogations with the aim of eliminating the use of torture by investigators to extract confessions and to ensure that, alongside the other forms of evidence provided in criminal proceedings, courts are also able to use confessions as the basis for sentencing.

302. Whenever signs of bodily injury are detected on the body of suspects (accused persons), mandatory pre-investigative checks are carried out to ascertain the circumstances in which they were acquired, together with the conduct of expert medical examinations.
303. In addition, all cases of ill-treatment of defendants are reviewed by the courts when considering applications by investigators for the detention of accused persons.
304. In 2015, the investigation agencies of the Investigative Committee of the Russian Federation considered 214 reports citing evidence of offences under articles 299-302, 10 of which led to the initiation of criminal proceedings. In response to 204 such reports, it was decided not to institute criminal proceedings. One criminal case involving one accused person was referred to the procurator for confirmation of the decision to indict.
305. It should be noted that the basic statistical accounting procedures and statistical records kept by the courts of the Russian Federation on the outcome of criminal and civil cases do not include disaggregated statistics on the number of cases in which confessions obtained by torture have been deemed inadmissible as evidence.
306. With regard to the issue of the prosecution of officials for the extraction of confessions under torture, we are able to report that, under article 17 (2) of the Code of Criminal Procedure, no evidence may be regarded as having predetermined validity.
307. In all cases without exception, the court is bound to explain to defendants their rights under article 47 of the Code of Criminal Procedure.
308. All cases of ill-treatment of defendants are reviewed by the courts when considering applications by investigators for the detention of accused persons.

### **Paragraph 30 of the list of issues**

309. A comprehensive action plan to tackle the problem of inadequate conditions in detention facilities has been prepared and is currently being put into effect as part of the implementation of the pilot judgement of the European Court of Human Rights in the case of *Ananyev and others v. Russia*.
310. In developing the action plan, over the period 2013-2015 the Russian authorities drafted a number of supplementary action plans (DH-DD (2013) 936, DH-DD (2014) 580 and DH-DD (2015) 862) which were duly submitted to the Committee of Ministers of the Council of Europe.
311. These action plans by the Russian authorities provide detailed and comprehensive information on the measures taken and planned by the Russian authorities both to bring the detention conditions in pretrial detention facilities into line with international standards, and to ensure a more balanced approach to the selection and extension of remand in custody as a preventive measure, to the more extensive use of alternative measures, and to the improvement of domestic legal remedies.
312. With regard to the establishment and improvement of domestic remedies, we may report that, on 8 March 2013, Federal Act No. 21 was adopted, on the Code of Administrative Procedure of the Russian Federation, together with a number of laws amending certain statutory instruments consequent to the adoption of Federal Acts Nos. 22 and 23, of 8 March 2015, and Federal Constitutional Act No. 1 of the same date.
313. These laws set in place substantially improved domestic remedies to prevent infringements of the law through failure to provide adequate conditions of detention in pre-trial detention facilities and places of deprivation of liberty and are fully in line with the findings set out in the pilot judgment of the European Court of Human Rights in *Ananyev and others v. Russia*.

314. To ensure that effective compensatory legal remedies are available, work is currently under way on the elaboration of a federal bill to amend certain statutory instruments of the Russian Federation, with a view to enhancing the compensatory legal remedies available for infringements relating to failure to provide adequate conditions of detention in pre-trial detention facilities and places of deprivation of liberty.

315. The bill affirms that the right to compensation from the State through legal proceedings for harm incurred as a result of inadequate conditions of detention, regardless whether or not the State authorities and their officials are at fault, is enshrined in Federal Act No. 103 of 15 July 1995, on the remand in custody of suspects and those accused of the commission of offences, and in the Penal Enforcement Code.

316. At the same time, the bill provides for the amendment of the Code of Administrative Procedure of the Russian Federation, with a view to providing statutory regulation of specific aspects of the submission and consideration of administrative claims for compensation for failure to provide acceptable conditions in detention facilities.

317. An analysis of case law shows that, under existing legislation, many courts are already taking into account the precepts of the European Court in their consideration of individual cases and handing down judgments in settlement of complaints about inappropriate conditions in pre-trial detention facilities in which they award compensation for the harm incurred.

318. According to figures provided by the Judicial Division of the Supreme Court of the Russian Federation, some 4,500 claims have been considered for compensation for material damage and moral harm arising from failure to provide appropriate conditions in remand centres and correctional facilities and, of those, some 3,000 (66 per cent) have been granted. A total of some 58 million roubles has been paid out to complainants in settlement of their claims – more than double the amount paid out in 2013.

319. In this context, in the process of carrying out the pilot judgment in *Ananyev and others v. Russia*, a master plan was formulated for the development over the period 2012-2014 of facilities for the temporary remand of suspects or accused persons by the internal affairs authorities, under which, over that same period, a total of 9.87 billion roubles was allocated from the federal budget for the design, construction and refurbishment of temporary remand facilities.

320. A comparable policy document has been approved for the period 2015-2020.

321. The step-by-step process chosen by the Government for the radical reform of the existing correctional system and penal enforcement policy has been transformed into a master plan for the development of the penal enforcement system of the Russian Federation over the period up to 2020.

322. Measures are being taken to reduce the number of persons in detention. The authorities in charge of the correctional facilities are engaged in cooperation with the courts to ensure the prompt delivery of judicial decisions to commit convicted persons to the continued serving of their sentences, to release them from detention, or to extend their remand in custody. The procuratorial authorities are kept notified of suspects and accused persons who are held in custody for lengthy periods. Joint meetings are held with the courts, to look into the possibility of choosing non-custodial restraint measures for persons accused of committing misdemeanours and the officials in charge of remand centres keep judges and the staff of the procuratorial system informed of the level of occupancy of their centres. The prompt transfer of convicted persons once their sentences become enforceable, including by arranging out-of-schedule escorts, is reducing the number of persons held in remand centres.

323. In order to speed up the transit of detainees through the remand centres, and to reduce the length of time spent considering complaints in courts of appeal, work is under way with the Judicial Division of the Supreme Court of the Russian Federation to install videoconferencing systems in the remand centres with connections to the Supreme Court of the Russian Federation and the national, regional and provincial courts. To date, 181 remand centres have been equipped with such systems.

324. As a result of the measures taken in most of the local agencies of the Federal Penal Correction Service, conditions under which persons are remanded in custody have been brought into line with the requirements of the Federal Act on the remand in custody of suspects and those accused of having committed offences.

325. On average, 4.3 square metres of living space is allocated to each detainee in remand centres in the Russian Federation.

326. The resolutions of the Committee of Ministers of the Council of Europe acknowledge that some progress has been made, but also indicate that, if the problem is to be solved, additional measures are to be considered and adopted.

327. All the essential information on the judgments of the European Court of Human Rights finding violations of the Convention in respect of convicted persons and detainees has been downloaded into a computerized database on the European Court. In addition, the database contains the texts of instructions from the Federal Penal Correction Service on the observance of human rights in the penal correction system.

328. Under order No. 317 of 13 July 2010 of the Federal Penal Correction Service, the chiefs of the Service's subsidiary units with responsibility for certain subject areas are taking steps, in the light of the recommendations of the European Court, to ensure the necessary conditions in the penal correction system to preclude violations of the Convention.

329. Thus, with the aim of implementing the recommendations of the European Court of Human Rights and the European Committee for the Prevention of Torture, steps are being taken in remand centres pursuant to the instructions of the Director of the Federal Penal Correction Service to expand the area of single cells to 4 square metres. Medical units, as indicated earlier, are fitted with special screens.

330. Persons remanded in custody have the possibility of spending time outside the remand centre cells. Under Federal Act No. 103, suspects and accused persons are escorted from their cells to take part in investigative and judicial proceedings, to have meetings with their lawyers, relatives and other persons, to talk to psychologists, to conduct religious observances, and for other purposes. In addition, they have the possibility of partaking in sporting activities in a recreational courtyard fitted with sports equipment.

331. Over the period 2002-2006, a nationwide targeted programme was conducted in the Russian Federation on the reform of the penal correction system, which included the construction of new remand centres and correctional facilities and refurbishment of those already in existence. With the use of federal funding (more than 2.8 billion roubles), more than 14,500 new places were created for the accommodation of suspects, accused persons and convicts.

332. That work was continued under a nationwide targeted programme for the development of the penal correction system over the period 2007-2016, which envisaged the construction of 12 new remand centres, in which persons held in custody awaiting trial would be allocated 7 square metres of personal space. Since the programme was launched, over 10,800 new places have been added to the remand centres and it is planned to add a further 13,100 places by the end of 2016.

333. In recent years, large sums of money have been allocated for the major overhaul of and running repairs to the buildings and facilities of the remand centres and for the replacement of their communications equipment. Efforts are being made to ensure that persons who are being taken into custody for the first time are segregated from hardened criminals. In remand centres, these two categories of persons are held not just in different cells, but also on different floors and in different units and cell-blocks.

334. The facilities of the penal correction system are equipped with the latest telecommunications technologies and state-of-the-art equipment. The facilities are fitted with integrated security systems, including video-surveillance and access-control sub-systems, technical safety and oversight equipment, fire and security alarms, loudspeakers and two-way intercom systems.

### **Paragraph 31 of the list of issues**

335. In order to prevent occupational injuries and avoid fatal accidents, the Federal Penal Correction Service constantly monitors and analyses work safety issues and safety procedures and carries out thorough assessments of working conditions in the regional offices of the Federal Penal Correction Service and their subsidiary bodies.

336. At the same time, the guidelines of the Federal Penal Correction Service, setting out specific measures to prevent and avoid occupational injuries, including fatalities, with timelines and an assignment of responsibilities, are circulated to the Service's local agencies.

337. All accidents at production facilities, including fatalities, are investigated and processed in accordance with the law of the Russian Federation.

338. The death in March 2012 of Sergey Nazarov in Dalny police unit No. 9, of the Kazan office of the Ministry of Internal Affairs, has been the subject of investigation in eight criminal proceedings, which were then amalgamated into a single criminal case, No. 201/460620-12, brought against a number of officers of Dalny police unit. The case was referred to the Volga district court in Kazan for consideration on the merits. The officers in question were sentenced to various terms of deprivation of liberty, ranging from 2 to 15 years.

339. The investigation into the causes of the death of Pavel Drozdov established that the actions of officers of Yudino police unit No. 4, of the Kazan Office of the Ministry of Internal Affairs, had no socially hazardous consequences. Nor was any evidence found of ill-treatment of Pavel Drozdov or of any degrading treatment against him. Based on the findings of the investigation, the court ruled to dismiss the case on the grounds set out in article 24 (1.2) of the Code of Criminal Procedure, in view of the absence of the indicia of the offence defined in article 286 (3a) and (3b) of the Criminal Code.

340. On the issue of the number of deaths in custody, we are able to report that, over the years, the numbers of deaths, infections and fatalities among detainees in facilities of the penal correction system has steadily declined.

341. Statistics on the number of deaths in remand centres of the penal correction system and local agencies of the Ministry of Internal Affairs may be found in annex IX to the present report.

342. Every instance of the death of a citizen in the premises of an active-duty unit is subject to an official investigation and these investigations are constantly monitored by the Ministry of Internal Affairs to ensure an objective and thorough examination of the facts of the incident, and to determine the role and possible guilt of the staff of the unit and their supervisors.

343. In order to prevent accidents in the premises of units of the local internal affairs agencies, annual audits are carried out of all accidents, to establish their causes and to identify the conditions that gave rise to them.

344. Specific measures are being taken by the Ministry of Internal Affairs to prevent cases of suicide in detention facilities. In 2014, working together with the V.P. Serbsky State Scientific Centre for Social and Forensic Psychiatry, a publicly funded national institution, the Russian Ministry of Health developed guidelines for the detection and prevention of suicidal behaviour, suicide attempts by persons detained or remanded in custody by the internal affairs authorities of the Russian Federation.

345. With regard to the consideration of complaints by detainees, it should be noted that the majority of complaints submitted to the management of temporary remand centres and special holding facilities for persons subject to administrative detention relate to the conditions of detention and shortcomings in meeting the essential needs of inmates.

346. The procedure for the consideration of complaints is laid down in the Ministry of Internal Affairs order approving the instructions on the consideration of complaints by citizens in the system of the Ministry of Internal Affairs.

347. An analysis of complaints that have been submitted attests to the absence of any deliberate actions by duty police officers that infringe the rights and freedoms of citizens detained in police holding facilities.

348. In order to bring the conditions of detention in police holding facilities into line with the stipulated requirements, work is under way to implement the master plan for the development over the period 2015-2020 of facilities in the local agencies of the Ministry of Internal Affairs of the Russian Federation for the temporary remand of suspects or accused persons by the internal affairs authorities and of special holding centres for persons subject to administrative detention.

349. In the first stage of the master plan, 24 new facilities have been built and 173 refurbished and, with the use of extrabudgetary resources, two more temporary remand centres have been built in the Republic of Sakha (Yakutia) and the Republic of Tatarstan. As a result, the proportion of legally non-compliant facilities has been reduced to 11 per cent. In 2016, it is planned to complete the construction of 27 temporary remand centres and to refurbish a further 165 such facilities.

350. The continuing analysis of the results of the second stage of the master plan shows that, in the first six months of 2016, the number of complaints about detention, protection and escort conditions received from persons held in remand centres and police holding facilities has declined by 51 per cent by comparison with same period in 2015 (dropping from 298 to 145). In addition, measures taken in response to the shortcomings identified in the course of public and departmental monitoring and procuratorial oversight have led to a 73 per cent reduction (from 247 to 67) in the number of remedial action orders issued by procurators for breaches of the law in the detention, protection and escort of suspects and accused persons and persons subject to administrative detention.

351. With regard to the “high level of mistrust” among detainees regarding the investigation of complaints, we wish to note that chapter 16 of the Code of Criminal Procedure defines the arrangements for contesting the actions and decisions of the courts and officials conducting criminal proceedings. The current legal complaints mechanism makes it possible for detainees to defend their interests.

352. Complaints by detainees against the acts (or omissions) of officials of regional offices of the Ministry of Internal Affairs conducting initial inquiries are reviewed by the procurator or the court or both, in accordance with articles 124 (on the procedure for the consideration of a complaint by the procurator and the head of an investigatory agency)

and 125 (on the judicial procedure for considering complaints) of the Code of Criminal Procedure.

353. The complaint is considered by the procurator within three days of its receipt and, in exceptional cases, within ten days. The complainant is promptly notified of the decision adopted, and is given guidance on the appeals procedure.

354. If the suspect or the accused person is being held in custody, those in charge of the detention facility immediately forward the complaint that was submitted to them to the procurator or the court (article 126 of the Code of Criminal Procedure).

355. In reviewing suggestions, applications and complaints from convicted prisoners and persons held in custody, the Federal Penal Correction Service, its regional agencies and the offices under its authority are guided by Federal Act No. 59 of 2 May 2006, on the procedure for considering communications from citizens of the Russian Federation. Work in this area is subject to mandatory review during audits of the local agencies of the Federal Penal Correction Service.

356. In response to breaches of the law by officials of the offices and agencies of the penal correction system, the chief officers of the Federal Penal Correction Service have been instructed to conduct audits, including on-site visits. Based on the findings of these audits, disciplinary measures have been taken against the culprits, including those responsible for handling citizens' complaints.

357. In 2015, a total of 8,704 communications were examined in such on-site audits.

### **Paragraph 32 of the list of issues**

358. It is one of the voluntary commitments of the Russian Federation to reduce, and ultimately to eliminate, cases of the ill-treatment and death of military personnel not deployed in armed conflict.

359. Work is under way by the leadership of the Ministry of Defence and military authorities at all levels to uphold the rule of law and military discipline in the armed forces, thanks to which, over recent years, the number of violent crimes by military personnel has steadily decreased.

360. Statistics on violent crimes by military personnel may be found in annex X to the present report.

361. Over the period 2001-2015, there was a noticeable downward trend in the rate of suicides among members of the Russian armed forces, which declined from 0.26 per 1,000 in 2001 to 0.10 per 1,000 in 2015.

362. An interdepartmental working group on combating humiliating treatment, assault and other violent offences in the Armed Forces has been set up under the Office of the Chief Military Procurator and is composed of senior officials of all the federal security agencies and the military law-enforcement authorities. Similar interdepartmental working groups have been set up and are now operational in all military districts.

363. Over the period 2013-2016, the Minister of Defence of the Russian Federation issued the following orders: on measures to enhance the effectiveness of procedural actions by the authorities of the Russian armed forces responsible for conducting initial inquiries; on the auditing of reports of breaches of the law submitted to military police units of the Russian armed forces; on measures to prevent violent offences in interpersonal conduct between members of the Russian armed forces; on the procedural activities of the authorities of the Russian armed forces responsible for conducting initial inquiries; on the state of lawfulness and military discipline in 2015 and on measures to strengthen these in



2016; and other such orders, designed, among other aims, to improve the system for ensuring compliance with the law and upholding lawful conduct and military discipline in the Russian armed forces.

364. Over the years, procuratorial supervision of the enforcement of legislation to ensure safe conditions of military service, to safeguard the life and health of service personnel, and to prevent their death and injury is conducted in two ways: through audits of compliance by military units with the law on safeguarding the life and health of military personnel and through supervision of enforcement of the law in the investigation of offences involving humiliating treatment.

365. The actions taken by the procurator's office to prevent and suppress such offences are coordinated with the military command. Since 2000, an inter-agency working group has been in operation, on combating humiliating treatment and the evasion of military service.

366. The measures adopted, which include posting information in military barracks about helplines, organizing counselling centres, carrying out regular audits of military units, engaging on a permanent basis with civil society organizations, including organizations of parents of military personnel, have made it possible to minimize the factors conducive to these offences and to reduce the number of offences involving humiliating treatment in the military by more than half over the period from 2011 to 2015.

367. A positive downward trend in cases of humiliating treatment may be observed in the vast majority of the various armed forces and branches of the military.

368. Over the period 2012-2016, the trust by the Russian public in the armed forces of the Russian Federation was raised to high levels, including by improving the system of staff counselling.

369. The psychological service of the armed forces of the Russian Federation began operation in 2014. Officer-level posts for persons responsible for organizing psychological work have been created in those central military administrative bodies whose subordinate military units and organizations include psychological staff positions.

370. Steps are being taken to improve the system of comprehensive measures for the social and psychological rehabilitation of military personnel who have been subject to violent treatment during their military service. In accordance with Federal Act No. 52 of 28 March 1998, on compulsory State insurance of the life and health of military personnel, citizens conscripted for military service, enlisted personnel and officers of the internal affairs bodies of the Russian Federation, the State fire service, the agencies for control of the traffic in narcotics and psychotropic substances, and the staff of the facilities and authorities of the penal correction system, appropriate insurance payments are disbursed to military personnel.

371. Soldiers who are victims or witnesses of violence are defined in a special category – “psychologically traumatized military personnel”. The procedure for the psychological rehabilitation of such military personnel is laid out in the manual on psychological work in the armed forces of the Russian Federation.

372. Depending on their medical status, the victims of violence receive free treatment in medical facilities of the Ministry of Defence until they are fully recovered, with subsequent medical rehabilitation, including at health spas.

373. For each case of humiliating treatment that comes to light, the military command and the military procuratorial authorities carry out a thorough investigation and the perpetrators incur the appropriate consequences, including criminal charges.

374. The concealment by senior officers of offences committed by military personnel is regarded as dereliction of duty and, as a rule, incurs an appropriate personnel action. Such occurrences are sporadic in nature and increasingly rare in the work of serving officers.

375. Systematic training is arranged for senior officers of the Russian armed forces to minimize the risks of wrongful acts by the military personnel under their authority.

376. Annual monitoring studies are carried out to assess the potential for conflict in military units, along with the status of interpersonal relations among military personnel performing military service, both conscripts and those under contract. The findings of these studies are compiled and disseminated to all military districts, the central military command and the Office of the Chief Military Procurator.

377. Helplines have been set up in the armed forces and the military procuratorial offices carry out regular audits of military units. Military personnel and their dependants have access to consultation centres set up in military units, where they can obtain explanations about the law in face-to-face meetings with military procurators.

378. To ensure a rapid response to the commission of offences in the Russian armed forces, efforts are being made to gather information from different sources. Consideration is given not only to complaints and reports containing direct information on offences, but also to reports by officials, media publications, reports by human rights organizations, the findings of anonymous surveys of military personnel and other sources. Appropriate action is taken in line with the findings of the audits.

379. Over the course of 2015, the military police authorities carried out 2,926 audits of the activities of military commanders in charge of units conducting initial inquiries and, in this process, identified 1,946 violations, each of which was addressed by an appropriate procuratorial action.

380. In addition, in 2015, the military police authorities conducted verifications of 1,833 reports of various offences in military units. As a result of these verifications, criminal proceedings were instituted in response to 35 reports.

381. With regard to the finding published in the media in 2015 by the human rights ombudsman for Chelyabinsk province, Aleksey Sevastyanov, that he had allegedly identified a sharp increase in the number of military personnel admitted to psychoneurological hospital No. 2 because of suicide attempts, it has been established that Mr. Sevastyanov was referring to the findings of a scheduled inspection carried out by him on 5 September 2011 of the Chelyabinsk provincial psychoneurological hospital No. 2.

382. During a visit to various divisions of that hospital, he established that six servicemen serving as conscripts in units of the Chebarkul garrison had been admitted as inpatients for psychiatric treatment following suicide attempts. In addition, another 16 servicemen were undergoing scheduled treatment at the same time in accordance with the general state of their mental health.

383. On the basis of this inspection, a memorandum was drawn up and submitted to the military procurator of the central military district, calling for the conduct of prescribed oversight activities and the adoption of procuratorial response measures.

384. It was established that, as at 5 September 2011, no records of the military personnel specified in the annex had been logged in the register of reported offences or in the alphabetical index of reports of offences kept in the Chebarkul garrison investigation unit.

385. In September and October 2011, the period following the discharge of the servicemen from psychoneurological hospital No. 2, entries were logged in the aforementioned registers that the indicia had been identified of offences (one falling under article 335 (1) and two under article 286 (1) of the Criminal Code) committed against the

servicemen identified in the annex, privates R., T. and M. In response to all these reports, which are not linked to the circumstances described by Mr. Sevastyanov, the military procurator decided, with good reason, not to institute criminal proceedings (in accordance with article 24 (1) of the Code of Criminal Procedure).

386. Accordingly, Mr. Sevastyanov's allegations that, in 2011, there had been "a sharp increase in servicemen admitted to psychoneurological hospital No. 2 because of suicide attempts", and that "investigations were not conducted regarding alleged bullying that may have provoked that" are unfounded.

387. With regard to the allegations that, "following a separate inspection, 22 servicemen from the Chebarkul tank brigade were admitted to the hospital from January to August as a result of suicide attempts", it has been established that, in 2015 and the elapsed period of 2016, no military personnel, including from the seventh stand-alone tank brigade (military unit 89547, Chebarkul, Chelyabinsk province), were admitted to psychoneurological hospital No. 2 as a result of suicide attempts.

388. The increase in the number of military personnel reporting to medical facilities for treatment for common diseases in the period in question, possibly in 2011, might be related to the disorderly situation in the living quarters at a time when certain units were being constituted for a deployment to the field to carry out the disposal of munitions. That said, however, the Chebarkul garrison investigation unit has no record of 22 suicidal acts by various servicemen from unit 89547, carried out for show and to blackmail the authorities into releasing them temporarily from their military duties.

### **Paragraph 33 of the list of issues**

389. Effective legal, administrative, judicial and other measures are being taken by the Russian Federation to protect the rights, freedoms and lawful interests of individuals and citizens, along with measures to prevent acts of torture, discrimination and ill-treatment against them, without distinction as to sex, race, ethnic background, language, origin, wealth, official status, place of residence, attitude to religion, convictions, membership of public associations or any other social groups.

### **Paragraph 34 of the list of issues**

390. The texts of judgments by the European Court of Human Rights relating to the involuntary hospitalization of persons in medical institutions administering inpatient psychiatric care have been brought to the attention of the judges and staff of the Supreme Court of the Russian Federation and of the country's lower courts.

391. These include, in particular, the judgments of 28 October 2003 in the case of *Rakevich v. Russia*, of 11 December 2008 in *Shulepova v. Russia*, of 22 April 2010 in *Bik v. Russia*, of 22 January 2013 in *Lashin v. Russia*, of 5 February 2015 in *Mifobova v. Russian*, and of 18 June 2015 in *Nikov v. Russia*.

392. The substance of the guide on article 5 of the Convention of 4 November 1950, developed under the auspices of the European Court of Human Rights, has also been brought to the attention of the judges and staff of the Supreme Court of the Russian Federation and of the country's lower courts. Several provisions of this document refer to the procedure for the compulsory confinement of persons suffering from mental disorders.

393. In the course of civil proceedings in 2013, the courts considered and handed down judgments in 40,116 cases involving the involuntary hospitalization of citizens in psychiatric hospitals and the conduct of forced psychiatric examinations. The applications

submitted in respect of 39,284 cases, or 97.9 per cent of the total, were accepted. In 2014, 38,143 such cases were considered. The applications submitted in respect of 37,428 of the cases, or 98.1 per cent of the total, were accepted. In 2015, 33,896 such cases were considered. The applications submitted in respect of 33,196 of the cases, or 97.9 per cent of the total, were accepted.

394. The principles of the humane treatment of psychiatric patients, which excludes the application of cruel and degrading medical procedures, are embodied in the rules of current Russian legislation and in professional and ethical rules.

395. Pursuant to article 71 of Federal Act No. 323 of 21 November 2011, on the principles of public health care in the Russian Federation, persons who have completed the curriculum of higher medical education, upon receipt of a certificate of their education and their qualification, take the physician's oath, which enunciates the obligation of each doctor always to be prepared to provide medical assistance, to respect medical confidentiality, to treat patients with care and attention, and to act exclusively in the interests of the patient, without distinction as to sex, race, ethnic background, language, origin, wealth, official status, attitude to religion, beliefs and other circumstances.

396. In the Russian Federation the principle that psychiatric care shall be provided in conditions involving the least possible restraint is enshrined in law, in article 5 (2) of Act No. 3185 of 2 July 1992, on psychiatric care and guarantees of the rights of citizens in its administration. Under Article 30 (2) of the aforementioned act, the use of physical restraint or isolation on a person who has been committed to a psychiatric hospital is permissible only in such cases and for such periods as the psychiatrist considers necessary because other methods cannot be guaranteed to prevent actions by the hospitalized patient which could directly endanger the patient or other persons. These measures are constantly monitored by the medical staff. The forms of physical restraint or isolation used and the periods of their application are logged in the relevant medical record.

397. The principles that psychiatrists shall treat of their patients humanely, show respect for their human dignity, and prevent the possibility of harsh, cruel and degrading treatment are enshrined in the psychiatrists' code of ethics. The study of this document forms part of the training programmes for all psychiatrists in the Russian Federation, which include the following rules and principles of the code:

- Legal assistance shall be provided within the public system of free legal assistance in the Russian Federation;
- Arrangements shall be made for patients to conduct correspondence and submit complaints and reports to the legislative and executive authorities, the public procurators' offices, the courts and their legal counsel;
- In the event of involuntary hospitalization, steps shall be taken to notify the patient's relatives or legal guardian or another person designated by the patient within 24 hours of the patient's admission;
- The patient's relatives, legal guardian or another person designated by the patient shall be notified of any changes in the patient's health condition or of anything unusual that has happened to the patient.

398. These provisions are set out in article 39 of the act on psychiatric care.

399. Under article 47 (1) of the act, actions by health workers and other professionals, social workers and boards of physicians in administering psychiatric care which infringe the rights and legitimate interests of citizens may be the subject of complaints which, by choice of the complainant, may be submitted directly to the court, and also to a higher authority (senior official) or the procurator.

400. Article 38 of the act provides for the establishment of a special service for the protection of the rights of patients in medical institutions providing inpatient psychiatric care. A set of documents has now been prepared in preparation for the creation of this service. Once the new service has started work, guarantees of the rights of patients in psychiatric hospitals will be significantly strengthened.

401. Under the physicians' code of ethics in the Russian Federation, the doctor's mission is to safeguard the health and ensure deep respect for the dignity of every individual. The exercise of the medical profession is based on lofty ethical, moral and deontological principles.

402. It is the right of all doctors, under any circumstances, to abide by the principles of professional duty and to reject any pressure by individuals or legal entities to make them perform actions contrary to their ethical principles, professional duty or the law.

403. When examining or treating persons deprived of liberty, doctors may not directly or indirectly facilitate encroachments on the physical or psychological integrity of those persons, or affronts on their dignity. Doctors must take particular care to ensure that confinement in a place of deprivation of liberty does not become a hindrance to a person's obtention of timely and good-quality medical assistance. Should doctors find that a person deprived of liberty has been the victim of violence or ill-treatment, they must notify their employer and the procuratorial authorities.

404. Furthermore, article 5 of the act on psychiatric care establishes an array of rights enjoyed by all persons suffering from mental disorders when receiving psychiatric care. These rights include the right to respectful and humane treatment, to be given information about their rights, to receive psychiatric care in conditions which involve the least possible restraint, to be admitted to medical facilities, to consent in advance or to refuse, at any stage, to be used for the testing of preventive procedures, methods of diagnosis, treatment or medical rehabilitation, drugs for medical use, or specialized therapeutic foods and medical devices, for scientific research or training, to be photographed, recorded on video or filmed, to the invitation, at their request, of any specialist administering psychiatric treatment, and to the assistance of a lawyer, legal representative or other person.

405. The rights and freedoms of persons with psychiatric disorders may not be restricted merely on the basis of a psychiatric diagnosis, or the fact that they are under clinical observation or have been admitted to a medical facility providing inpatient psychiatric care, or a residential home for persons with psychiatric disorders. Officials found guilty of such breaches are held liable in accordance with the law of the Russian Federation and its constituent entities.

406. Furthermore, it is prohibited to use surgical and other methods with irreversible consequences, or to conduct tests of preventive procedures, methods of diagnosis, treatment or medical rehabilitation, drugs for medical use, or specialized therapeutic foods and medical devices, on persons suffering from psychiatric disorders the treatment of which, under article 11 (4) of the act on psychiatric care, may proceed without the consent of these persons or their legal guardians (act on psychiatric care, art. 11 (5)).

### **Paragraph 35 of the list of issues**

407. With regard to information on the number and outcome of investigations into complaints of violations of the Convention lodged by the patients of psychiatric institutions, we are able to report that, according to available records, no such offences have been reported in the Russian Federation.

408. The act on psychiatric care clearly provides for the rights both of patients and of psychiatrists. Compliance with this act is underpinned by a profound awareness of the importance of the mental health of individuals and their inalienable rights. In the Russian Federation, psychiatric treatment is only administered with the prior and voluntary informed consent of the patient, except in the very limited number of cases described in article 29 of the aforementioned act (where patients are unable to fend for themselves, or pose a danger to themselves or those around them, or if leaving them to their own devices would lead to a significant deterioration in their health).

409. Moreover, under Russian law, legal liability of different kinds is incurred for the unlawful placement of persons in a psychiatric institution: disciplinary, civil (compensation for the harm caused) and criminal (under article 128 of the Criminal Code, on the unlawful hospitalization of persons in medical institutions administering inpatient psychiatric care).

410. Figures on the application of article 128 of the Criminal Code may be found in annex XI to the present report.

### **Paragraph 36 of the list of issues**

411. In order to ensure the prompt, impartial and effective prosecution of criminal cases and investigations of all reports relating to the denial of safeguards, torture, ill-treatment, abduction, enforced disappearance and extrajudicial killing, including acts of violence against women in the northern Caucasus, plans are drawn up in respect of each report of or criminal proceeding concerning offences in this category and written instructions are issued for the procedure to be followed in their investigation and prosecution. The services of specialists from forensic science units are enlisted in the associated investigative measures. Decisions arising from the findings of these inquiries and investigations are taken in consultation with the administrative staff of the investigative units.

412. Over the period 2012-2015, eight criminal proceedings have been instituted by the investigations office of the Investigative Committee of the Russian Federation responsible for the Republic of Ingushetia on counts of the use of torture, ill-treatment, kidnapping, enforced disappearances and extrajudicial killings (four proceedings in 2012, one in 2013, one in 2014 and two in 2015).

413. On 17 December 2015, the Committee's investigations office responsible for the Republic of Dagestan instituted criminal proceedings No. 508379 against Mr. O. and Mr. A., detectives in the criminal investigation unit of the Kizlyar district office of the Ministry of Internal Affairs, who were charged with offences under article 286 (3a) of the Criminal Code, for the infliction of bodily harm on A. M. Magomedov. The criminal proceedings are currently at the preliminary investigation stage.

414. In 2013, four individuals, operating in a gang, were indicted in the Republic of North Ossetia-Alania on charges of kidnapping. In line with the requirements of article 151 of the Code of Criminal Procedure, the criminal case has been referred to the next higher authority, the 59th military investigations unit of the Investigative Committee responsible for the Southern Military District Command.

415. In 2015, in the same constituent entity of the Russian Federation, two criminal cases were instituted, one against five individuals for the use of torture and the against three individuals for ill-treatment.

416. Thus, on 2 November 2015, criminal proceedings No. 12/3270 were instituted by Serious Crimes Unit No. 2 of the investigations office of the Investigative Committee responsible for the Republic of North Ossetia-Alania against Ministry of Internal Affairs officials in the Republic of North Ossetia-Alania on charges under article 286 (3a) of the

Criminal Code, for abuse of authority, in the course of which V. B. Tskaev sustained multiple injuries, leading to his death.

417. During the investigation, a number of officials from the Vladikavkaz municipal office of the Ministry of Internal Affairs were arrested and charged, namely: Mr. D., Mr. D., Mr. T., Mr. D. and Mr. S.

418. Currently, a range of detective and investigative activities are being conducted with a view to ascertaining all the circumstances of the offence and gathering evidence to establish that the accused are guilty as charged.

### **Paragraph 37 of the list of issues**

419. No evidence has been found of the refusal by officials from other bodies to cooperate with the investigation during the inquiries and investigation of criminal cases relating to the denial of safeguards, torture, ill-treatment, abduction, enforced disappearances and extrajudicial killings.

420. On 25 October 2013, while monitoring the internet, officials of the Investigative Committee with responsibility for the Republic of Chechnya uncovered an audio recording entitled “Kadyrov v. Bobrov scandal”, placed on the YouTube.com site by the user “Albert Albertiny”.

421. When the audio recording was reproduced from its digital source, it was possible to hear a telephone conversation in the Chechen language conducted on 21 September 2013 between two men: an unidentified individual, who described himself as chief of the Shali internal affairs office, called Ruslan, and a Mr. R., the senior investigator in Serious Crimes Unit No. 1 of the investigations office, who was responsible at that time for criminal proceedings No. 53033, instituted on 11 July 2013 on charges under article 105 (2a) of the Criminal Code, for the disappearance of Satsita Aidamirova and Zargan Aidamirova, and for criminal proceedings No. 61129 brought against Mr. D., commanding officer of the Shali district battalion of the Police Patrol and Checkpoint Service of the office of internal affairs for the Republic of Chechnya, for the commission of an offence under article 286 (3a) and (3b) of the Criminal Code.

422. On 6 December 2013, criminal proceedings No. 61140 were instituted for offences under articles 294 (2) and 296 (2) of the Criminal Code. On 6 May 2014, the preliminary investigation into this criminal case was halted on the grounds stipulated in article 208 (1.1) of the Code of Criminal Procedure, relating to failure to identify a person who could be charged with the offence. Further details of this case may be found below, in response to paragraph 39 of the list of issues.

423. The investigator has not been removed from the investigation of the criminal cases in question.

### **Paragraph 38 of the list of issues**

424. On 10 July 2013, criminal proceedings No. 61129 were instituted by the investigations office of the Investigative Committee responsible for the Republic of Chechnya on charges of an offence under article 286 (3) of the Criminal Code, relating to the alleged use of violence against Umalat Boltiev by unidentified officers of the Shali district internal affairs department.

425. Mr. D. and Mr. A., officers of the unit in question, were charged with the cited offence. The criminal prosecution against them was subsequently dismissed on the grounds

stipulated in article 27 (1.1) of the Code of Criminal Procedure (non-involvement of the suspect in the commission of the offence).

426. On 8 April 2015 the preliminary investigation in these proceedings was halted on the grounds stipulated in article 208 (1.1) of the Code of Criminal Procedure.

### **Paragraph 39 of the list of issues**

427. With regard to the incidents in the municipality of Geldagan we wish to report the following. Following reports of the disappearance of the sisters Satsita and Zargan Aidamirova, criminal proceedings were instituted on 11 July 2013 on charges of an offence under article 105 (2a) of the Criminal Code.

428. The preliminary investigation established that the citizens in question worked in a car wash and were temporarily residing in the premises of the car wash. At around 9 p.m. on 9 May 2013, both Satsita and Zargan Aidamirova were at the car wash and then, at around 10.30 a.m., it transpired that they were no longer there. The two women had not given any indication that they planned to travel somewhere, and their whereabouts remain unknown to this day.

429. During a scene inspection on 17 July 2013 at the premises of the car wash, traces of blood were detected and specimens taken. During the investigation into this case, it was ascertained that another young woman – Ms. D. – had also been present at the car wash with Satsita and Zargan Aidamirova. Given that Ms. D. had also given no indication that she planned to travel anywhere, there is reason to believe that she might have been the victim of an offence.

430. On the basis of the materials of the criminal proceedings in question, on 10 March 2015 further criminal proceedings were instituted under article 105 (1) of the Criminal Code, relating to the disappearance of Ms. D. On 11 March 2015 the two proceedings were combined in a single case.

431. During the preliminary investigation, interviews were conducted of victims and witnesses. CCTV recorders were removed from a neighbouring shop and filling station, and forensic examinations ordered of the recordings. No recordings were found, however, of any relevance to the investigation. More than 50 persons were questioned as witnesses, but no evidence of the involvement of any specific individuals in the offence was elicited during this questioning.

432. Accordingly, the investigative actions have not been able to establish the identity of any persons involved in the commission of the offence. Detective work carried out on the instructions of the investigator also failed to uncover any culprits. By a ruling dated 25 June 2015, the preliminary investigation was put on hold owing to the failure to identify any perpetrator. This procedural decision was approved as legally binding by the procuratorial office of the Republic of Chechnya.

433. No reports of offences committed by law enforcement officials of the Republic of Chechnya involving breaches of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment were submitted to the Office of the Procurator-General of the Russian Federation and the Investigative Committee of the Russian Federation over the period 2012-2015.



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**Paragraph 40 of the list of issues**

434. Over the period 2012-2015, no criminal proceedings were instituted by investigators of the offices of the Investigative Committee responsible for Stavropol territory, the Republic of Karachai-Cherkesia and the Republic of Kabardino-Balkaria relating to unresolved cases of enforced disappearances.

435. Over that period, two criminal proceedings relating to unresolved cases of enforced disappearance were instituted by investigators of the office of the Investigative Committee responsible for the Republic of Chechnya; seven such proceedings by the investigations office of the Investigative Committee responsible for the Republic of North Ossetia-Anania; 17 such proceedings by the investigations office of the Investigative Committee responsible for the Republic of Dagestan; and three such proceedings by the investigations office of the Investigative Committee responsible for the Republic of Ingushetia. Relatives of the disappeared persons were kept regularly informed by the investigators about the progress and findings of the investigation. In 2012, there were 18 unsolved crimes involving enforced disappearance; in 2013, eight; in 2014, two; and in 2015, one.

**Paragraph 41 of the list of issues**

436. The prohibition against torture is enshrined in the law of Russian Federation and it also applies to measures to counter terrorism. The approaches taken by the Russian Federation to countering and preventing terrorism are comprehensive in nature and combine political, legal, informational, awareness-raising, socioeconomic and other special measures, with an emphasis on the preventive elements of such countermeasures. The downward trend in the numbers of terrorism-related offences and the prevention of terrorist acts in the territory of the Russian Federation demonstrate the effectiveness of the State system to counter terrorist and extremist threats.

437. Russian legislation is being amended to take on board the available national and international experience in countering terrorism and to adapt it in the best possible way to Russian realities. In drafting these amendments, due account is taken of the provisions of the universal instruments, and also of the instruments of the European Parliament and the Council of Europe and the judgments on this matter by the European Court of Human Rights.

**Paragraph 42 of the list of issues**

438. Over the reporting period, proactive legislative work has been carried out by the State Duma and the Federation Council of the Federal Assembly of the Russian Federation to upgrade the country's legislation, including on matters falling within the scope of the Convention. Detailed information relating to paragraph 42 of the list of issues will be provided when the paragraph is taken up at the meeting of the Committee against Torture.

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