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**Parallel Information
to the Russian Federation's Report
on Implementation of the Recommendations
Contained in the Concluding Observations
of the Committee Against Torture
on the Basis of its Review of the Russian Federation's
Sixth Periodic Report on its Implementation
of the Convention Against Torture and Other Cruel,
Inhuman or Degrading Treatment or Punishment**

for the UN Committee Against Torture

November 2019

ADC Memorial and former members of the Public Oversight Commission of Saint Petersburg (who were on the POC from 2016 to 2019) have prepared parallel information to the Russian Federation's report on implementation of the recommendations contained in the Concluding Observations of the Committee Against Torture (CAT) on the basis of its review of the Russian Federation's sixth periodic report on its implementation of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The Russian Federation's report contains inaccurate information about its implementation of the Concluding Observations of UN CAT. In particular, the country continues to lack prompt, impartial and effective investigation into cases of torture and cruel treatment and dismisses such allegations during the pre-investigative stage, which does not lead to the opening of criminal cases or the prosecution of the perpetrators (para. 15(a)(b) of the observations).

This report is **based on materials collected by the members of Public Oversight Commission (POC) - Yana Tseplitskaya and Ekaterina Kosarevskaya** - on the failure to investigate cases of torture from June 2018 to October 2019.

The Investigative Committee, which, according to paragraph 15(c) of the Concluding Observations, is responsible for investigating crimes committed by law enforcement officials, continues to systematically refuse to open criminal investigation on torture. Even though the Russian Federation's report states that "the Investigative Committee of the Russian Federation places particular focus on examining reports of offences involving staff of the penal correction system who have exceeded their authority and on organizing criminal investigations into this category of offence," in practice the Investigative Committee did not conduct an effective investigation into allegations against staff of the penal correction system received after June 2018.

Failure to take action regarding the torture of Sergey¹ at Pretrial Detention Center 1 of the Department of the Federal Penal Correction Service for Saint Petersburg and Leningrad Oblast²

Even though Sergey, an inmate at Pretrial Detention Center 1 of the Department of the Federal Penal Correction Service for Saint Petersburg and Leningrad Oblast, complained to a corrections officer about visible bodily injuries received as a result of violence committed by one of his cellmates, no measures were taken. On July 13, 2019, he told the members of the Public Oversight Commission (in the presence of the detention center staff and on camera) about the criminal failure to take action of the officer, who left Sergey in the same cell. Nevertheless, the officer continued to perform his duties until a video of another prisoner, Andrey Bukin, being

¹ Surname is not given at the victim's request

² Conclusion on the preliminary results of check, conducted by the members of Public Oversight Commission of Saint-Petersburg upon the information regarding violence in SIZO-1 and in connection with publication of video of that case: <https://drive.google.com/file/d/1YCUXNc6kJJwf3eSPwGufOYhYUaR5yTYE/view?usp=drivesdk>

abused in the same cell (No. 04/38) was published online on August 7, 2019.³ After the publication of video of Andrey Bukin's beating, the Federal Penal Correction Service and the Investigative Committee started to exert tremendous pressure on the victims, to conceal the systemic nature of the beatings, in which corrections staff played a significant role. Another victim, Aleksey, was forced to recant his words and state that the bruises on his body were created with food coloring.

Refusal to open a criminal investigation on torture and the persecution of Pavel Zlomnov

On the evening of January 31, 2018, Pavel Zlomnov was seized by people in civilian clothes, who pulled a hat over his face and dragged him into a minibus. Along the way to the FSB Office for Saint Petersburg and Leningrad Oblast, they tortured Pavel, who lost consciousness twice. The abusers did not respond to questions about who they were or what was happening. The torture continued through the night at the FSB office. The next morning, he was taken to Aleksandrovsky Hospital, where an FSB officer interfered with his medical care and threatened to arrest a doctor who suggested that Zlomnov should be hospitalized. Several temporary detention facilities refused to take Zlomnov because of the aftereffects of the torture. Later, he was not provided with medical care, and was charged with crimes under Article 222 of the Russia's Criminal Code ("Illegal acquisition, transfer, sale, possession, transport, or bearing of weapons, their main parts and ammunition"). The persecution of Pavel and even members of his family continued in 2018, and a case against Zlomnov's attorney, wife and father was opened under Article 319 of the Criminal Code ("Insulting a representative of the government"). The Human Rights Center Memorial declared Pavel Zlomnov a political prisoner.⁴ On April 20, 2018, the Military Investigative Department of the Investigative Committee for the Saint Petersburg Garrison refused to open a criminal case on Pavel's statement about torture. His appeal to this decision was dismissed by the Saint Petersburg Garrison Military Court on October 15, 2018. When Zlomnov's sentence ended one year after his arrest, on January 30, 2019, he and the other people accused within this case, who were also subjected to torture (Grozdov, R.Yu., Bazhin, D.S.), were due to be released from the pretrial detention facility. But one day prior to this, a criminal case was opened against him under Part 1 of Article 205.2 of the Criminal Code ("Public justification of terrorism"). He was questioned as a suspect the next day and kept in confinement. A short time later, Pavel was transferred to house arrest. On August 26, 2019, the Moscow District Military Court started hearing the criminal case under Part 1 of Article 205.2 of the Criminal Code and adopted a decision to take Pavel into custody because he did not appear at the session. Pavel, who likely sought asylum outside of Russia, was placed on the wanted list.

Ongoing failure to investigate torture of the accused in the so-called Network case

In spite of evidence that suspects in the so-called Network case were tortured, consideration of the merits of the case against Viktor Filinkov, whose torture was not confirmed by the Russian authorities, began in 2019.⁵ The Human Rights Center Memorial declared him and another

³ "Human Rights Defenders Publish Photos and Videos of Torture at Kresty-2 Pretrial Detention Facility in Saint Petersburg," *Novaya gazeta*, August 2019, <https://www.novayagazeta.ru/news/2019/08/07/154049-pravozaschitniki-opublikovali-foto-i-video-pytok-v-sizo-kresty-2-v-peterburge> [in Russian]

⁴ List of the Persecuted, Human Rights Center Memorial, <https://memohrc.org/ru/defendants/zlomnov-pavel-andreevich> [in Russian]

⁵ Russian NGO Shadow Report on the Observance of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by the Russian Federation for the period from 2012 to 2018, June 2018, p. 50, 99 https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/RUS/INT_CAT_CSS_RUS_31612_E.pdf

accused in the case, Yuli Boyarshinov, political prisoners.⁶ A large part of the testimony in this case is based on the testimony of other suspects given against one another under torture.

Another suspect in this same case, Arman Sagynbayev, reported instances of torture that took place on November 5 and 6, 2017, after UN CAT reviewed the report in 2017. But on March 19, 2019, the Military Investigative Committee of the Investigative Committee for the Saint Petersburg Garrison refused to open a case in connection with his statement. Sagynbayev's explanations, which were "given to discredit the evidence obtained through intelligence-gathering and investigative procedures" were deemed contradictory and conflicting. Over the two years that he has been held in Pretrial Detention Facility No. 1 in Penza, Sagynbayev has been threatened with withholding of medication he needed.

Torture continues at all levels of the law enforcement system, and not just in relation to regular citizens, but also in relation to the Ministry of Internal Affairs staff. It is known that in April and July of 2017, the police officers in Leningrad Oblast were tortured by agents from the local FSB office to obtain confessions to crimes which the victims claimed they did not commit. Even though a criminal case complaining of torture was opened, no effective investigation was conducted in 2019.

Lack of an effective investigation of the torture of Ilya Shchukin and Sergey Laslov

On April 12, 2017, FSB agents in Kirishi (Leningrad Oblast) detained three staff members of the Tosno District Office of Internal Affairs (Leningrad Oblast), including Ilya Shchukin. After arresting them, the FSB agents started torturing them in an FSB minibus, shocking them with a stun gun and beating and threatening them to obtain confessions. The torture lasted all night until morning. According to Shchukin, the investigator to whom he reported the illegal actions of the FSB agents said "And you think that something will happen because of this? They're classified!"

On July 6, 2017, another MIA officer, Sergey Laslov was arrested by agents from the Tosno FSB office (D. Kotusev) and the FSB's special Grad unit in Tosno under suspicion of falsifying evidence. After his arrest, he was tortured with a stun gun, beatings, and threats. FSB agent Kotusev demanded that Laslov confess to a crime that he says he did not commit. To stop the torture that lasted for several hours, Laslov, who had agreed to write an explanation about the crime he allegedly committed, was forced to sign a text printed out by Kotusev. The presence of traces of torture was reflected in medical documents compiled before Laslov was placed in a temporary detention facility in Tosno; the traces were also recorded at the temporary detention facility and by ambulance doctors the day after he was placed in this facility, as well as by a forensic medical expert when Laslov made his statement about torture.⁷

On February 19, 2019, the Military Investigative Department of the Investigative Committee for the Western Military District opened a criminal case under paragraphs a and b of Part 3, Article 286 of the Criminal Code ("Abuse of power with use of violence or special equipment") against unidentified FSB staff, even though the surnames of the guilty parties were known and listed in the victims' statements. The FSB agents have yet to be punished for their crimes.

Confirming the innocence of Shchukin and Laslov, on June 14, 2019 the Tosno District Court of Leningrad Oblast acquitted them of all charges (under paragraphs b and g of Part 4, Article

⁶ List of Political Prisoners. Human Rights Center Memorial <https://memohrc.org/ru/pzk-list> [in Russian]

⁷ "Report on the Results of the Public Monitoring of Appeals Regarding Instances of Torture Committed by Officers of the FSB Directorate for Saint Petersburg and Leningrad Oblast," October 2018, https://adcmemorial.org/wp-content/uploads/Report_FSBtorture_ENG_web.pdf

228.1 of the Criminal Code (“Sale of narcotics in large amounts”), Part 3, Article 303 (“Falsification of evidence”), and paragraph c of Part 3 of Article 286 (“Abuse of power with the use of violence or special equipment”), reclassified the charges under the fourth article (“Receiving a bribe”) and found them guilty of fraud. Both men were released after this.

Investigations into cases of torture are not opened even when the required witness testimony is obtained. Victims' statements about torture result in inevitable risks to their health. In rare cases, when an investigation is actually opened, the state does not guarantee the safety of the applicants and even creates conditions under which victims can be pressured into changing their testimony.

Pressure on Salikov because of his allegations of torture

On May 7, 2018, an FSB agent tortured I.M. Salikov and his common-law wife during a search of his home and demanded a confession from him. In the presence of a housekeeper, the FSB agent again asked Salikov to incriminate himself. In response to his refusal, the agent beat him and shoved his weapon into Salikov's anal opening. Salikov had three emergency surgeries on the same day. He then spent three weeks in Aleksandrovsky Hospital. After this, Salikov filed an allegation of torture. He was arrested on June 9, 2018 and placed in Pretrial Detention Facility 1, where he did not receive the required medical care.

On August 28, 2018, a criminal case was opened against an unknown FSB staff member (even though Salikov indicated the name I.S. Kirsanov in his complaint).⁸ After over one year, the Vyborg Garrison Military Court sentenced Ilya Kirsanov, the FSB agent who tortured Igor Salikov, to four years in a general regime penal colony, finding him guilty of committing a crime under paragraphs a and b of Part 3, Article 286 of the Criminal Code (abuse of power with the use of violence or special equipment, or resulting in serious consequences). Kirsanov did not admit guilt and filed an appeal that had yet to be reviewed at the time of this writing. Before his appeals hearing, Igor Salikov, who was in the same detention facility as Kirsanov, was subjected to pressure and given five days of solitary confinement for refusing to change his testimony.

The Investigative Committee avoids opening criminal investigation on torture when these complaints come from the victims themselves or when third parties, like members of the Public Oversight Comissions, file the complaints. The situation becomes especially complicated when persons are tortured outside of the penal system, but the torture is carried out by law enforcement officers or by other persons upon the orders of law enforcement and precedes accusation of a crime.

Refusal to investigate torture of Mukhammadysup Ermakov

Three (Mukhammadysup Ermakov, Abror Azimov and Akram Azimov) of the 11 people charged in the terrorist attack in the Saint Petersburg metro reported that they were tortured in a secret prison: prior to their formal arrest, they were detained and tortured with electric current in a basement area in Moscow or Moscow Oblast in the spring of 2017. The Azimovs reported the torture in 2017, but their request to open a case was refused on August 23, 2017. Ermakov told members of the Public Oversight Commission (POC) about his torture on March 31, 2019. Before meeting with the POC members he submitted a letter to his consulate complaining on torture. On April 2, 2019, after an interview with Ermakov, POC members filed a crime report. But the next day the Investigative Committee issued a ruling on refusal to open a criminal case based on the checking after the letter to consulate written by Ermakov. It deemed that the arguments about

⁸ “Report on the Results of the Public Monitoring of Appeals Regarding Instances of Torture Committed by Officers of the FSB Directorate for Saint Petersburg and Leningrad Oblast,” October 2018, p. 45 https://adcmemorial.org/wp-content/uploads/Report_FSBtorture_ENG_web.pdf

torture were contrived and inaccurate because the torture had not been confirmed by a medical examination and because Ermakov had not reported it earlier, even though he had had the chance to do that.

In addition to this, staff at the pretrial detention facility interrupted Abror Azimov's interview with POC members about the torture and suspended the POC's visit. On April 20, 2019 POC members gathered to question Abror Azimov about his torture in the secret prison where he was held from April 4 to April 17, 2017. By this time, they had already questioned Akram Azimov and Ermakov, sent Ermakov's interview and the crime report to the authorities, and notified the media of this. But Abror Azimov's story was interrupted by staff at the pretrial detention facility: he was only able to recount that unknown people kidnapped him from a car on the evening of April 4, took him to a basement area, and started asking questions and torturing him with electric shocks.

When the staff broke off the conversation, they said that POC members and Abror had gone beyond the limits of what they could discuss under the law; among other things, they saw interference in investigative actions in the POC's activities. At the request of POC members, the staff provided a report, but this report did not mention that the conversation was interrupted or that the visit was ended illegally. In response to being prevented from continuing their visit, POC members left a notice that they would conduct a new visit and started this visit 10 minutes later. However, they were told that they would not be able to speak with any inmates at Pretrial Detention Center 1 until "the prosecutor adopts a decision in relation to violation of the law by POC members." The staff refused to write a report on the new ban or clarify which law envisages such a ban and instead only cited a decision issued by Elena Valerevna, a staff member at the Department of the Federal Penal Correction Service for Saint Petersburg and Leningrad Oblast.

After this, POC members left staff with a written request to preserve and make available a video recording of the visit, but never received a response. One month later, POC members sent a request to the Department of the Federal Penal Correction Service for Saint Petersburg and Leningrad Oblast describing the situation and asking for commentary on the legality of the staff's actions. They also repeated their request to preserve and make available a video recording of the visit. They received a response, but it did not address the merits of their request. POC members filed an action against the detention center with the Kolpino District Court. At the request of the court, staff members from the detention facility brought fragments of the video recording of the visit to the trial (they stated that the remaining parts of the recording were not preserved and no longer existed at the time of the trial). The court ruled to dismiss the action.⁹

Unfortunately, video cameras intended to prevent violence in the penal correction system, among other things, are frequently broken or turned off. It is important to note that lack of installed and connected video recording systems in the penal correction institutions increases the risk that prisoners will be pressured, particularly prisoners who have previously filed reports about torture with law enforcement agencies. It is known that the video cameras in the cells of some accused in the metro bombing case do not work.¹⁰

Mukhammadysup Ermakov complained to POC members that when he was in the court, there has been a search in his cell in his absence. After that the POC members wrote an application to the detention center requesting that the CCTV in Ermakov's cell be repaired. However, the CCTV was not repaired, and during the next search the staff allegedly found a lighter during a search

⁹ "Court Dismisses Action Filed by the PMC against Kresty-2 because of Interrupted Interview," RIA Novosti, October 2019, <https://ria.ru/20191007/1559515262.html>

¹⁰ According to report of the POC of Saint Petersburg regarding the conditions and human rights observance of suspects in terrorist act in Saint-Petersburg metro on 3 April 2017 https://drive.google.com/file/d/1N_z4enFNUhfpHynv4hLY75tliMa9HgkQ/view?usp=drive_open

(he does not smoke, and declares that the lighter was planted). For that he was placed in solitary confinement, which led to a serious decline in his health.

In its report on implementation of UN CAT's concluding recommendations, the Russian government writes that it has organized effective cooperation with members of the Public Oversight Commissions, but in practice this only refers to members who are loyal to the government and do not criticize the actions of law enforcement bodies or the Federal Penal Correction Service.

Active members of the POC, including the authors of this report, were not re-elected to the commission in the fall 2019 election in 43 subjects of the Russian Federation, and the number of independent members of POC dropped significantly. The government requested candidates for the POC to present a certificate attesting to a clean criminal record and, in violation of requirements of the law, recommendations from law enforcement structures. The selection process was even less transparent than three years ago, and, not for the first time, Russian Post failed to deliver the documents of certain candidates by the deadline.

POC members have dealt with illegal interruptions of their visits, refusals to visit certain facilities or speak with specific prisoners, the absence of conditions for confidential interviews with persons in custody, and bans on asking certain questions from staff escorting them. At Correctional Facility 7, members of the POC of Saint Petersburg were repeatedly factually denied the opportunity to interview convicts confidentially, in the conditions they could be seen but not heard. For that the staff used the gap in the legislation that it is not clarified at which distance should the employee of the prison stay in order not to hear the conversation. The state report also notes that in order to improve the effectiveness of public monitoring, POC members have been granted the right to visit forensic psychiatric centers or other centers providing inpatient, generalized, specialized, and intensive specialized psychiatric treatment. In practice, however, POC members are generally not allowed into these facilities.¹¹ POC members are very rarely allowed to take photographs or make video or audio recordings. Corrections staff usually state that they have not received a notification of a request to record from POC members, which means that it is virtually impossible to make any recordings during visits. Amendments to Federal Law No. 203-FZ, which is mentioned in the Russian government's response, actually narrows the authorities of POC members: in particular, the amendments ban members from discussing torture committed outside detention facilities specified in the law with prisoners. At the same time, it is known that most cases of torture (almost 80 percent, according to complaints received by the Committee Against Torture) take place outside these facilities: in the offices of investigators, in law enforcement vehicles, in the forest, and in places operating as "secret prisons" and others.

¹¹ "On June 7, 2019, members of the POC of Saint Petersburg were denied entry into Psychoneurological Residential Facility 3, which provides inpatient psychiatric treatment because the facility is not classified as a detention facility listed in the federal law on public monitoring" – based on information from POC members is June 2019, t.me/spb_onk/657. POC members appealed the ban on visiting the psychiatric department on weekends and holidays in court, but lost.