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Introduction

This memorandum, submitted to the United Nations Committee Against Torture (“the Committee”) ahead of its upcoming review of Russia, highlights areas of concern Human Rights Watch hopes will inform the Committee’s consideration of the Russian government’s (“the government’s”) compliance with the International Convention against Torture and Cruel, Inhuman or Degrading Treatment or Punishment (“the Convention”). Human Rights Watch proposes recommendations herein that the Committee should raise with the Russian government.

This submission covers Human Rights Watch documentation on the following topics: allegations of torture and ill-treatment against government critics in the Chechen Republic; extrajudicial detention and torture of men presumed to be gay in the Chechen Republic; and allegations of torture and ill-treatment against suspects in terrorism cases.

The submission also includes several cases of individuals from Crimea who have alleged torture by Russian officials since Russia began occupying the peninsula in 2014. They are: Oleg Sentsov and Gennady Afanasyev, who alleged torture by Russia’s security officials in 2015; and Renat Paralamov, who alleged torture by Russian security services in September 2017. To note, these cases are only a sample and not a comprehensive compilation of torture allegations related to Crimea.

It is important to recognize that violations of Russia’s most basic obligations under the Convention not to resort to inhuman and degrading treatment or torture and to hold accountable those who do are taking place not only in the contexts that Human Rights Watch has chosen to focus on. On the contrary, the Committee’s upcoming review takes place against the backdrop of a broader deterioration of the human rights climate in Russia, with detrimental effects in particular on freedom of expression, assembly, and association as the authorities have moved to narrow the space for dissent. In implementing their crackdown on these human rights, Russian officials have repeatedly used unlawful and excessive force against those exercising these rights and subjected peaceful protestors and critics to inhuman and degrading treatment, including torture.

Human Rights Watch has closely monitored the human rights situation in Russia for many years. A major focus of our work in recent years has been uncovering extrajudicial detentions and use of torture and ill-treatment—as well as executions and enforced disappearances—by security officials in Russia’s Chechen Republic. Lasting impunity has served to perpetuate these abuses and has also contributed to the gradual loss of trust in Russian and international law by victimized local communities. As part of this work, we have documented grave violations of the Convention by the authorities in Chechnya and have

produced materials setting out these findings. These include an August 2016 report¹ about violent government retaliation against critics in Chechnya and a May 2017 report² about the anti-gay purge carried out by Chechen security officials from February to April 2017. This submission summarizes elements of those reports.

Human Rights Watch has also closely monitored the Federal Security Service's use of torture against terrorism suspects. We documented the forcible disappearance of and alleged use of torture against two suspects in the St. Petersburg suicide bombing of April 2017 in an extended press release in December 2017.³ This submission also summarizes these two cases.

Human Rights Watch's findings are consistent with patterns of torture and ill-treatment more broadly in Russia as documented by Russian human rights groups and international organizations. In an April 2015 report, the UN Human Rights Committee stated, "While noting that acts that may constitute torture or ill-treatment can be prosecuted under several articles of the Criminal Code, the Committee remains concerned about reports that torture and ill-treatment, including for the purpose of eliciting confessions, are still widely practiced."⁴

We also wish to draw the Committee's attention to a particularly prominent case that further serves to illustrate the extent of the crackdown on human rights defenders in Chechnya. Oyub Titiev, the Chechnya director of leading rights organization Memorial, remains imprisoned on spurious marijuana possession charges. To the best of our knowledge, Oyub Titiev has not been tortured. But it is clear that by arresting Titiev, the authorities are attempting to force Memorial, which is the only human rights organization that still maintains a presence in Chechnya, to shut down its operations in the region, leaving victims of the authorities' egregious abuses—including torture and ill-treatment—nowhere else to turn for redress.

I. Ill-treatment and Use of Torture by Chechen Security Officials (Convention articles 2, 12, and 16)

For almost a decade Ramzan Kadyrov, the head of Russia's Chechen Republic, has steadily tried to eradicate all forms of dissent and has gradually built a tyranny within Chechnya. The repression has intensified since Russia's last CAT review in 2014. Local authorities are cracking down on critics and anyone whose loyalty to Kadyrov they deem questionable. These include local residents who express

¹ Human Rights Watch report, "Like Walking in a Minefield," August 2016, https://www.hrw.org/sites/default/files/report_pdf/chechnya0816_1.pdf.

² Human Rights Watch report, "They Have Long Arms and Can Find Me," May 2017, https://www.hrw.org/sites/default/files/report_pdf/chechnya0517_web.pdf.

³ "Russia: Threats, Alleged Torture in Bombing Case," Human Rights Watch, December 5, 2017, <https://www.hrw.org/news/2017/12/05/russia-threats-alleged-torture-bombing-case>.

⁴ United Nations International Covenant on Civil and Political Rights, CCPR/C/RUS/CO/7, April 28, 2015, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/RUS/CO/7&Lang=En (accessed May 31, 2018).

dissenting opinions, critical Russian and foreign journalists, and the very few human rights defenders who challenge cases of abuse by Chechen law enforcement and security agencies.

Human Rights Watch's August 2016 report, "Like Walking in a Minefield," documented the methods the authorities used to retaliate against critics: abductions and enforced disappearances, cruel and degrading treatment, death threats, and threats against and physical abuse of their family members. We summarize some of these cases below.

Most interviewees from Chechnya asked to remain anonymous for fear of reprisals against themselves or members of their families.

Khizir Ezhev (forcibly disappeared, probably tortured, killed)

On December 19, 2015, unidentified gunmen abducted Khizir Ezhev, a senior economics lecturer at the Grozny State Oil Technical University, from a service station where he was fixing his car. His body, which sustained numerous broken bones, was found on January 1, 2016 in the village of Roshni-Chu, about 40 kilometers from Grozny.

Ezhev's relatives later found out that the gunmen, who were in civilian clothes, initially took Ezhev to a police precinct in Grozny. The relatives hoped to get him released in exchange for money, but a police official told them a few days later that Ezhev had "escaped."⁵

A close acquaintance of Ezhev's told Human Rights Watch that Ezhev had participated in a closed group on the social media platform VKontakte that discussed the situation in the republic and expressed critical views of the Chechen leadership's policies. Not long before Ezhev's detention, the group's members apparently made derogatory comments about Kadyrov's pilgrimage to Mecca, and Ezhev wrote, "apparently, all sorts are welcome there these days."⁶

A forensic report stated that Ezhev allegedly died from internal bleeding after "falling off a cliff," with one of his six broken ribs piercing a lung.⁷ There is no official record of Ezhev's detention, and when Human Rights Watch's report went to press in August 2016, no further investigation had been carried out into his death.

Khusein Betelgeriev (enforced disappearance and torture)

On the evening of March 31, 2016, two men who said they were from Chechen law enforcement forcibly disappeared Khusein Betelgeriev, a middle-aged Chechen poet and performer. They forcibly entered his house and ordered Betelgeriev to follow them, refusing to tell his wife where they were taking him. Betelgeriev's family filed a missing persons report but received no information about his fate and

⁵ Human Rights Watch interview with a close acquaintance of Ezhev (name withheld), July 7, 2016.

⁶ Ibid.

⁷ Kheda Saratova post to Facebook, January 2, 2016, <https://www.facebook.com/photo.php?fbid=10201097921207796&set=a.2756422327360.71634.1761802883&type=3&theater> (accessed June 5, 2018).

whereabouts. He returned home 12 days later, badly beaten. It is unknown where Betelgeriev was held and by whom.

One of Betelgeriev's acquaintances confirmed to Human Rights Watch that Betelgeriev's captors had "beaten him to pulp" and that the state of his health was "devastating." The acquaintance also said the he had multiple broken bones.⁸

A member of the Russian Union of Writers, Betelgeriev was also a senior faculty member at the Chechen State University until his sudden dismissal in 2015. An acquaintance of Betelgeriev's told Human Rights Watch that he had lost his job at the university because of his views favoring Chechen separatism and his reluctance to support Ramzan Kadyrov publicly.⁹

On the day of his enforced disappearance, Betelgeriev had posted comments praising the Chechen separatist movement in a closed Facebook discussion group called "History of the Chechen Republic."

Igor Kalyapin, the head of the Joint Mobile Group of Human Rights Defenders in Chechnya, told Human Rights Watch that his organization approached Betelgeriev's family and offered to organize medical assistance for him outside Chechnya.¹⁰ The family refused and asked Kalyapin not to contact them again, suggesting that Betelgeriev was released from captivity on condition that he maintains complete silence about what had happened to him, a common practice in such cases.

Ramazan Dzhahalaldinov (threats, house-burning, beating and other abuse of family-members, public humiliation)

On April 14, 2016, 56-year-old Ramazan Dzhahalaldinov, from the village of Kenkhi, published a video timed for the live call-in show that President Vladimir Putin holds annually. Dzhahalaldinov complained that the village was in ruins as a result of the two wars in Chechnya and cited the 2003 government regulation on compensation to civilians who lost housing and property due to military operations there. Dzhahalaldinov argued that Chechen officials embezzled the funds allocated for reconstruction. The video was not broadcast during the call-in show but was shared widely online. Dzhahalaldinov knew that Chechen authorities viciously retaliate against their critics, so after his video message was widely shared, he and his sons fled to neighboring Dagestan.

From mid-April through early May 2016, police officials visited Dzhahalaldinov's home several times, pressuring his family to reveal his whereabouts. On the night of May 13, a dozen gunmen in camouflaged uniforms forced their way into Dzhahalaldinov's house. The gunmen ordered Dzhahalaldinov's wife, Nazirat Nabieva, and their three daughters to get into their vehicles with their passports and birth certificates. A gunman pushed Nabieva to the floor with his automatic rifle when she begged them to

⁸ Human Rights Watch interview with an acquaintance of Khusein Betelgeriev (name and relationship withheld), April 9, 2016.

⁹ Ibid.

¹⁰ Human Rights Watch interview with Igor Kalyapin, April 27, 2016.

leave the younger girls behind. The other gunmen dragged the crying children out of bed and into the vehicle and drove to the Sharoi regional police department.¹¹

At the station, local police officials threatened and beat both Nabieva and her eldest daughter, demanding that they reveal the whereabouts of Dzhaldinov and his sons. A police official held Nabieva while a more senior official punched her in the back, ribcage, and kidneys and kicked her with his booted feet. He also hit her with the butt of his gun, put the gun barrel to her head and neck, threatened to kill her, and fired the gun several times above her head. He said that he was punishing her for all the trouble caused by her husband.¹²

The same senior police official choked the eldest daughter and threatened to kill her, forcing her to give up the phone number of one of her brothers. He also hit her on the neck and in the back of the legs, saying she needed to persuade her father to retract all of his complaints if she wanted him and her brothers alive.¹³

After more than an hour, police officials drove Nabieva and her daughters to Chechnya's border with Dagestan and, without returning their identification documents, told them to go to Dagestan and never return to Chechnya.¹⁴ Unidentified men torched their house in Kenkhi and ordered the neighbors to stay silent. Later that day, Kadyrov said that Dzhaldinov intentionally "took his family out of Chechnya and simulated an arson attack."¹⁵

A few days later, Dzhaldinov filed complaints with the Ministry of Internal Affairs and the prosecutor's office regarding the ill-treatment of his wife and daughters and house-burning by local police officials.¹⁶ On May 15, unknown men unsuccessfully tried to kidnap Dzhaldinov in front of a mosque in the Tsumadinsky district of Dagestan.¹⁷

¹¹ GazetaChernovik, "Ramazan Dzhaldinov's wife and daughter say they were expelled from Chechnya [Жена и дочь Рамазана Джалалдинова рассказали, как их прогнали из Чечни]," video clip, YouTube, May 13, 2016, <https://www.youtube.com/watch?v=T-A7HQLVTws> (accessed June 9, 2016). Also based on information Human Rights Watch received in May 2016 from Ramazan Dzhaldinov, Elena Milashina who covered his case for Novaya Gazeta, and human rights lawyers of the Nizhny Novgorod Committee against Torture who interviewed Ramazan Dzhaldinov and his immediate family members.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ "Kadyrov says arson attack on the Dzhaldinov's home is a lie [Кадыров назвал ложными сообщения о поджоге дома Джалалдинова]," Caucasian Knot, May 14, 2016, <http://www.kavkaz-uzel.ru/articles/282459/> (accessed June 9, 2016).

¹⁶ Human Rights Watch communications in May 2016 with Elena Milashina who covered Dzhaldinov's case for Novaya Gazeta, with Ramazan Dzhaldinov, and with human rights lawyers of the Nizhny Novgorod Committee against Torture who interviewed Dzhaldinov and his immediate family members.

¹⁷ "Witnesses informed about attempted kidnapping of Dzhaldinov [Очевидцы заявили о попытке похищения Джалалдинова]," Caucasian Knot, May 18, 2016, <http://www.kavkaz-uzel.ru/articles/282719> (accessed June 9, 2016).

On May 30, Dzhaldinov appeared on Grozny TV giving an apologetic speech.¹⁸ On the same day, Kadyrov posted on Instagram that he accepted Dzhaldinov's apology.¹⁹ Dzhaldinov immediately returned to Kenkhi with his family and withdrew his complaints about alleged abuses by police officials.

In November Dzhaldinov, who had begun to take steps to try to get compensation for his burned down house, fled Chechnya after Chechnya's deputy minister for internal affairs, Aпти Alautdinov, threatened him.²⁰

II. Anti-Gay Purge (Convention articles 2, 12, 13, and 16)

From late February and through early-mid April 2017, security officials in Chechnya unlawfully rounded up dozens of men they believed were gay, searched their cell phones for contacts of other suspected gay men, and tried to coerce them—including through torture—into naming their gay acquaintances. They kept the men in several unofficial facilities where Chechen authorities have for years held and tortured individuals suspected of dissent, subversion, or terrorism. They exposed some of the captives to their families as gay and encouraged honor killings. At least two high-level local officials watched in some cases as police humiliated and tortured the detainees.

Chechen authorities responded to the allegations by denying the existence of gay people in Chechnya, suggesting obliquely that families should kill their gay relatives, and accusing journalists and human rights defenders of seeking to destabilize the republic. Chechen officials and public figures made serious threats against Novaya Gazeta, the newspaper that broke the story.

The Russian LGBT Network opened a special hotline for those in immediate danger and provided evacuation-related assistance to 114 people from April 2017 to April 2018.²¹ Most of them eventually found safe sanctuary abroad. Chechen police allegedly harassed relatives of those who fled, attempting to pressure them into disclosing the men's whereabouts and forcing them to sign documents with false statements that the men were traveling outside Chechnya at the time the purge was occurring.

The Kremlin initially dismissed reports about the violence but, faced with consolidated international pressure, federal authorities eventually opened a preliminary inquest. By summer 2017, the investigation apparently stalled. In April 2018, it was officially closed. In May 2018, Acting Justice Minister Aleksandr Konovalov told the UN Human Rights Council, "The investigations that we carried out ... did not confirm evidence of rights' violations, nor were we even able to find representatives of

¹⁸ "Kenkhi resident Dzhaldinov apologized to Kadyrov for unreasonable accusations [Житель села Кенхи Джалалдинов принес извинения Кадырову за необоснованные обвинения]," TASS, May 30, 2016, <http://tass.ru/obschestvo/3325442> (accessed June 9, 2016).

¹⁹ Ramzan Kadyrov (Kadyrov_95) post to Instagram, "Assalamu alaikum! Anybody can make mistake [Ассаламу алайкум! Любому человеку свойственно ошибаться]," <https://www.instagram.com/p/BGCK4xrCRjF/?hl=ru> (accessed August 4, 2016).

²⁰ Tanya Lokshina, "Tyranny Versus a Village Man in Chechnya," Human Rights Watch, December 12, 2016.

²¹ Rosbalt press conference with Igor Kochetkov and Elena Milashina, April 3, 2018, https://www.youtube.com/watch?v=IKXe0j_7zqg&feature=youtu.be (accessed June 6, 2018).

the LGBT community in Chechnya.”²² In the course of the Russian authorities’ alleged investigation, no protections were offered to victims and their families, who would likely be at serious risk of reprisals from Chechen authorities if they reported the crimes.

Maxim Lapunov

In September 2017, Russian investigative authorities received an official complaint from one of the victims of the purge, Maxim Lapunov, detailing his detention and torture by Chechen security officials in March 2017. Lapunov is the only non-Chechen local security officials had targeted because of his homosexuality. Since he is not from Chechnya and since he is openly gay, he is not vulnerable to the family pressures and dangers Chechen men face and therefore felt he could step forward.

At a news conference led by Novaya Gazeta, the Russian LGBT Network, and Human Rights Watch, Lapunov described how on March 16, 2017, he was selling balloons in central Grozny when security officials dragged him into a car and took him to a police compound. Lapunov said that security officials showed him torture devices and threatened to use them to “tear him apart.”

The officials forced Lapunov to call a gay acquaintance and invite him to a “meeting,” which was designed as a set-up with security officials waiting. Lapunov slept on the blood-stained floor of a tiny basement cell during his 12-day confinement. He was beaten and witnessed and heard as security officials tortured—through beatings and use of electric shocks—other men presumed to be gay. Close to 30 others assumed to be gay were held at the facility during his time there.

Lapunov said that he did not expect to survive. His legs, buttocks, ribs, and back were covered with hematomas. When he was released, he said that he “could barely crawl.” Six months after his detention, he said that he still suffered psychological distress from his ordeal.

Initially, Russian officials used the lack of official complaints and victims stepping forward to justify the absence of an effective investigation. However, as of May 2018, eight months after Lapunov filed his official complaint, Russian investigators have neither launched a criminal investigation into his complaint nor provided him the protection he requested.

III. Allegations of Torture Against Two Suspects in the St. Petersburg Bombing Case (articles 2, 12, 13, 15, and 16)

Akram Azimov and his brother Abror, ages 29 and 26 respectively, are suspects in the St. Petersburg suicide bombing of April 3, 2017 that killed 16 people and injured 50 others. Both made credible allegations that Russian security agents forcibly disappeared them, tortured them, and then staged their arrests. In July 2017 the brothers’ lawyers, Olga and Dmitry Dinze, filed joint complaints with Russia’s

²² “Russia Tells UN There Are No Gays in Chechnya,” Moscow Times, May 15, 2018, <https://themoscowtimes.com/news/russia-tells-un-there-are-no-gays-in-chechnya-61450> (accessed June 6, 2018).

Investigative Committee about their clients' allegations of secret detention and torture.²³ Human Rights Watch interviewed the Azimov brothers' parents and lawyers and reviewed court documents, media reports, Russian government statements, and FSB videos purporting to show the arrests.

The Azimov brothers were born in Kyrgyzstan and became naturalized Russian citizens in 2013. Both are accused of terrorism-related offenses and weapons possession. The FSB alleges that Abror coached Akbarzhon Jalilov, the suspected suicide bomber, by telephone before the attack.²⁴ Akram is accused of transferring money from an "international terrorist group" in Turkey to finance the attack and forging documents to help the group's members freely move across Russia.²⁵

In his complaint and accompanying statement, Abror said he was held in a black site somewhere in the Moscow area from April 4 to 17, 2017. He accused his captors of keeping his eyes covered for the first full week of his detention and torturing him for three days with methods including waterboarding, electroshocks to his genitals, and severe beatings to his kidneys. During his detention and while inflicting torture, FSB interrogators asked him questions about his religion and involvement in the bombing.

Abror said that on April 17, security agents drove him to a site outside Moscow, planted a handgun under the back beltline of his jeans, and videotaped his staged arrest. The video the FSB released to the public was widely aired and reported by national and international media.²⁶ Abror later recanted his statement about the torture after FSB agents threatened reprisals against him and his family members, according to a social media posting by his lawyer.²⁷

Akram said in the joint complaint and his accompanying statement that on April 15, 2017, Kyrgyz plainclothes security agents forcibly removed him from a medical center in Osh (city in southern Kyrgyzstan) where he had undergone nasal surgery and then summarily transferred him to Russia. Akram's statement makes no mention of any court approval of his transfer.

Upon arrival to Russia, he said he was held in a basement cell somewhere near Moscow and tortured for nearly four days, including with electroshocks, suffocation, and threats of rape. Interrogators asked him about his brother, other men allegedly involved in the attack, and his recent trip to Turkey. According to his statement, the interrogators made him memorize a detailed statement implicating his brother and several others as "terrorists."

²³ Nurjamal Djanivekova, "St. Petersburg Blast Suspects Claim Torture in Russian Jail," Eurasianet, July 31, 2017, <https://eurasianet.org/node/84571> (accessed May 29, 2018).

²⁴ Federal Security Service of the Russian Federation statement, April 17, 2017, <http://www.fsb.ru/fsb/press/message/single.htm%21id%3D10438115%40fsbMessage.html> (accessed May 29, 2018).

²⁵ "St. Pete Metro Blast Suspect Received Money from Terrorist Group in Turkey," Sputnik International, April 20, 2017, <https://sputniknews.com/russia/201704201052820547-st-petersburg-metro-blast-suspect-money-turkey/> (accessed May 31, 2018).

²⁶ "FSB publishes video of arrest of organizer of explosion in St. Petersburg metro," 24.kg News Agency, April 18, 2017, https://24.kg/english/49773_FSB_publishes_video_of_arrest_of_organizer_of_explosion_in_St_Petersburg_metro/ (accessed May 29, 2018).

²⁷ Dmitry Dinze post to Facebook, July 26, 2017, https://www.facebook.com/permalink.php?story_fbid=1561547997229669&id=100001234515802 (accessed May 29, 2018).

Akram said that on April 19, security agents drove him to a bus stop on the outskirts of Moscow and videotaped his staged arrest. That day the FSB released a video showing Akram's purported arrest, which shows three agents approaching him as he sat on a bus stop bench in the outskirts of Moscow and uncovering a hand grenade that appears to be decades old in his hip pack.²⁸

Akram's lawyer told Human Rights Watch that FSB agents threatened him after the complaint was filed. They allegedly threatened to rape his wife and continue to torture him unless he retracted his complaint. In October 2017, the Investigative Committee dismissed the complaint.

In the aftermath of the St. Petersburg bombing, Russian courts revoked the citizenship of Akhral Azimov, the Azimov brothers' father, citing errors in his citizenship application. Akhral told Human Rights Watch that he believes the revocation amounted to "psychological pressure" to keep him from speaking out against his sons' treatment.

On December 14, 2017, security officials detained Akhral and took him to the Kuntsevsky district police station in Moscow. According to Philipp Shishov, Akhral's lawyer, a police deputy at that station told him that Akhral had later been transferred to FSB custody.²⁹ On December 15, Dmitry Dinze told Russian media that Akhral had been returned to Kyrgyzstan. FSB officials allegedly told Akhral that he should not attempt to re-enter Russia.³⁰

IV. Allegations of Torture Against Suspected Members of Alleged Terrorist Group 'Network' (articles 2, 12, 13, 15, and 16)

In January 2018, Viktor Filinkov and Igor Shishkin—two left-wing activists in St. Petersburg—were forcibly disappeared and resurfaced two days later under arrest on charges of involvement in a terrorist organization (part 2, article 205.4 of the Criminal Code). A third activist, Ilya Kapustin, was detained as a witness in the case and was later released without charge. Records from medical exams conducted variously during and after their detentions and which Human Rights Watch reviewed indicate that all three men exhibited injuries consistent with electric shocks. Filinkov alleged that he was forced to memorize a confession under torture.

²⁸ "The FSB detained the brother of the suspected organizer of the terrorist attack on the St. Petersburg metro [ФСБ задержала брата предполагаемого организатора теракта в метро Петербурга]," YouTube, April 19, 2017, https://www.youtube.com/watch?v=v_YLp2pA5KY (accessed May 29, 2018).

²⁹ Margarita Alekhina, "Police announce the detention of St. Petersburg terrorist attack suspects' father [В полиции заявили о задержании отца обвиняемых в петербургском теракте]," <https://www.rbc.ru/society/14/12/2017/5a32c49c9a7947d76c0b31eb> (accessed May 31, 2018).

³⁰ "Father of St. Petersburg terrorist attack suspects expelled from Russia [Отца обвиняемых в теракте в петербургском метро выдворили из России]," Republic, December 15, 2017, <https://republic.ru/posts/88439> (accessed May 31, 2018).

Russian media reported that all three men are suspects in an FSB investigation into the group “Network,”³¹ alleged by Russian authorities to be a terrorist organization that they say planned— but did not carry out—violence aimed at destabilizing the country, including during the March 2018 presidential elections and during the World Cup.³²

Members of the St. Petersburg Public Oversight Commission (ONK, the Russian acronym), an independent body of experts authorized by the government to monitor places of detention,³³ documented Filinkov’s torture allegations and observed injuries consistent with torture on Filinkov and Shishkin, both of whom remain in custody since their arrest. Human Rights Watch spoke with a member of the ONK who documented the torture allegations and injuries.³⁴

Human Rights Watch has also reviewed the ONK report detailing its findings, torture complaints submitted to the Investigative Committee, letters from the authorities responding to those complaints, the men’s medical records, and various local media reports. Human Rights Watch also corresponded with Kapustin’s lawyer.

Viktor Filinkov

Viktor Filinkov told ONK members that he was detained on January 23, 2018 at the Pulkovo Airport in St. Petersburg before boarding a flight to Minsk.³⁵ He said that a group of five or six men approached him, one of whom introduced himself as an FSB officer. The officers detained him, searched his belongings, confiscated his Kazakh passport (he is a citizen of Kazakhstan), and questioned him for at least an hour in an inspection room at the airport.

Afterward, Filinkov was taken to the Krasnogvardeiski District police station, where he was questioned and fingerprinted. Around 1 a.m. on January 24, he was taken to Aleksandrovskaya hospital for a medical examination. Between 3 and 7 a.m., Filinkov said that he was taken back into the van where there were several FSB officers and at least one man in a mask.

³¹ Russian media reported that some of the other men arrested in connection with the case also sustained torture while in custody of the FSB. Anna Kozkina and Yegor Skovoroda, “Arrested Penza Antifascists Talk about Torture in Remand Prison [Арестованные в Пензе антифашисты рассказали о пытках током в подвале СИЗО],” Mediazona, February 9, 2018, <https://zona.media/article/2018/02/09/penza-tortures> (accessed June 2, 2018).

Russian human rights defenders have made public statements indicating that there is credible reason to believe that this is true. Rosbalt press conference, YouTube, February 15, 2018, <https://www.youtube.com/watch?v=-jBQ-NbNIUs&feature=youtu.be> (accessed June 3, 2018).

³² Ilya Rozhdestvenskiy, “Connected by one ‘Network.’ The developing case of the ‘anarchists’ who planned to overthrow the regime [Связанные одной ‘Сетью’. Как раскручивается дело об ‘анархистах’, планировавших свергнуть режим],” Republic, January 31, 2018, <https://republic.ru/posts/89236> (accessed June 1, 2018).

³³ See the St. Petersburg Public Oversight Commission website at: <https://onk.su/about-onk/>.

³⁴ Human Rights Watch interview with Ekaterina Kosarevskaya, member of the St. Petersburg POC, June 5, 2018.

³⁵ Report from the St. Petersburg Public Oversight Committee, February 2, 2018, publicly available at <http://onkspb.ru/files/download/27/0a4628cc> (accessed June 6, 2018). Also see: Viktor Filinkov, “You should understand: FSB officers always get their way!”: Anti-fascist Viktor Filinkov reveals how he was tortured by Russian security services,” Open Democracy, February 28, 2018, <https://www.opendemocracy.net/od-russia/viktor-filinkov/fsb-officers-always-get-their-way> (accessed June 1, 2018). Filinkov was en route to Kyiv, Ukraine via Minsk, Belarus.

Filinkov said that the men drove him around a wooded area for several hours. One officer allegedly punched him several times in the chest, back, and back of the head and administered electric shocks to his leg, chest, neck, groin, and hands. The men threatened to administer electric shocks to his genitals and to leave him in the woods without his clothes. During that time Filinkov said that the FSB agents forced him to memorize a confession implicating himself in a terrorism plot and threatened that if he refused to confess, his current treatment would merely be a “softer version of what will be.”

At around 7 a.m. he was returned to the police station and wrote a confession. He was then taken to his home for a search, where he was also asked to change out of his bloodstained clothes. He did not have a lawyer present during the search. That evening, nearly 30 hours after he was detained at the airport, he was officially charged with involvement in a terrorist organization (part 2, article 205.4 of the Criminal Code), and the Dzerzhinskii District Court in St. Petersburg remanded him to pretrial custody.³⁶

Filinkov’s lawyer, Vitaly Cherkasov, visited him in detention on January 26 and observed numerous burns on his body that appeared to be from electric shocks. On January 27, Cherkasov filed a complaint with the Federal Prison Service about his client’s injuries, as well as Filinkov’s allegations that he had been tortured.³⁷ On February 27, Cherkasov received a reply from the Ministry of Justice indicating that an investigation had revealed that Filinkov exhibited bodily injuries but that according to Filinkov, they were not life-threatening.³⁸

Filinkov also provided testimony alleging torture to two St. Petersburg ONK members during a January 26 visit. ONK member Ekaterina Kosarevskaya filed a complaint with the Investigative Committee on January 27 detailing Filinkov’s torture allegations and the injuries that she observed during a visual examination, including burns on his chest and right hip.³⁹ On February 2, St. Petersburg ONK members performed a secondary examination together with prison medical staff and observed approximately 33 marks that appear to have been caused by electric shocks on Filinkov’s right hip and chest area.⁴⁰

Filinkov and his wife also filed separate complaints with the Investigative Committee about the torture Filinkov sustained while in FSB custody. On April 17, the Investigative Committee issued a decision declining to open a criminal case in relation to the complaints filed.⁴¹

On March 14, Filinkov was moved from Federal Remand Center No. 3 to Federal Remand Center No. 6, where St. Petersburg ONK members do not have access. Leningrad Region ONK members have been

³⁶ St. Petersburg Courts Press Service post to Telegram, January 25, 2018, <https://t.me/SPbGS/1620> (accessed June 2, 2018)

³⁷ Letter from Viktor Cherkasov to the director of the Federal Prison Service and to the manager of Remand Center No. 3, January 27, 2018, on file with Human Rights Watch.

³⁸ Letter from the Ministry of Justice to Viktor Cherkasov, February 27, 2018, on file with Human Rights Watch.

³⁹ Complaint on file with Human Rights Watch.

⁴⁰ Report from the St. Petersburg Public Oversight Committee, February 2, 2018.

⁴¹ Decision not to open a criminal case, Investigative Committee, April 17, 2018, on file with Human Rights Watch. Also see: Correspondance from Viktor Filinkov to the Investigative Committee, posted to Vitaly Cherkasov’s Facebook account, May 21, 2018, https://www.facebook.com/permalink.php?story_fbid=824089214467908&id=100006005109621 (accessed June 1, 2018).

able to visit him there and reported no further allegations of torture or ill-treatment as of April 16.⁴² On June 19, the Dzerzhinskii District Court extended Filinkov's pretrial detention until October 22.⁴³

Notably, Filinkov's lawyers and the two St. Petersburg ONK members who first documented the torture allegations were the target of a smear campaign by NTV, a pro-Kremlin nationwide television station. In April, an NTV program aired which accused them of "defending terrorists."⁴⁴

Igor Shishkin

Igor Shishkin disappeared around 5 p.m. on January 25, 2018 as he was walking his dog. His wife told media that FSB agents arrived at their apartment later that evening with the dog and a search warrant but did not inform her about her husband's whereabouts. The agents searched the apartment.⁴⁵

ONK members assisted Shishkin's family in trying to locate him by contacting the St. Petersburg and Leningrad Region FSB offices, the prosecutor's office, and the St. Petersburg Human Rights Ombudsman.⁴⁶

Shishkin's location became known only on January 27, when he resurfaced at the Dzerzhinskii District Court in St. Petersburg. The court remanded him to pretrial custody, as he had been charged with involvement in a terrorist organization. Journalists were not allowed into the courtroom, but a friend of Shishkin's who was present at the hearing said that Shishkin had bruising around his eyes.⁴⁷

Members of the St. Petersburg ONK visited Shishkin on January 27 and observed bruising around his left eye, an abrasion on his left cheek, and a split lower lip. Shishkin told ONK members that he received the bruises from sports training. In the ONK's report, it was noted that "Shishkin looked badly beaten and depressed, asked permission from prison officers before taking any actions, and asked ONK members not to do anything that could displease the officers."⁴⁸

⁴² Yana Teplitskaya, St. Petersburg Public Oversight Committee member, post to Facebook, March 16, 2018, <https://www.facebook.com/yana.teplitskaya.5/posts/1778849432166672> (accessed June 5, 2018).

⁴³ Vitaly Cherkasov, Filinkov's lawyer, post to Facebook, June 19, 2018, <https://www.facebook.com/profile.php?id=100006005109621>. Also see: "Court in Petersburg extended arrest of suspect in 'Network' case [Суд в Петербурге продлил арест фигуранту дела 'Сети' Виктору Филинкову]," OVD-Info, June 19, 2018, <https://ovdinfo.org/express-news/2018/06/19/sud-v-peterburge-prodlil-arest-figurantu-dela-seti-viktoru-filinkovu> (accessed June 20, 2018).

⁴⁴ "A dangerous network [Опасная сеть]," NTV, April 20, 2018, <http://www.ntv.ru/peredacha/proisschestvie/m4001/o494876/video/> (accessed June 11, 2018).

⁴⁵ Alexander Maier, "Russian Activists Forcibly Disappeared, Allegations of Torture in Custody," Human Rights Watch, February 1, 2018, <https://www.hrw.org/news/2018/02/01/russian-activists-forcibly-disappeared-allegations-torture-custody>.

⁴⁶ Report from the St. Petersburg Public Oversight Committee, February 2, 2018.

⁴⁷ "In St. Petersburg the judge did not let journalists in to the arrest hearing of antifascist activist Shishkin [В Петербурге судья не пустил журналистов на арест антифашиста Шишкина]," Mediazona, January 27, 2018, <https://zona.media/news/2018/01/27/shish-spb> (accessed June 5, 2018).

⁴⁸ Report from the St. Petersburg Public Oversight Committee, February 2, 2018.

On February 2, ONK members examined Shishkin again in the presence of prison medical staff and noted numerous bruises on his back that appeared to be burns. They reviewed a detention center medical record that noted the existence of “small-dot bruises” that could be observed “on the entire surface of [his] back,” as well as on his buttocks and back of his thighs.⁴⁹ An ONK member who observed the injuries told Human Rights Watch that the bruises were identical to the electric shock burns on Filinkov’s body.⁵⁰ At the time, Shishkin told ONK members that he did not know how he got the bruises.⁵¹

At time of writing, Shishkin had not filed a complaint about ill-treatment. He remains in Federal Remand Prison No. 3. On June 18, the Dzerzhinskii District Court extended Shishkin’s pretrial detention until October 22.⁵²

Ilya Kapustin

Ilya Kapustin alleged that he was tortured by FSB officials in a complaint he filed with the Investigative Committee and in an account he gave to Russian media.⁵³ The accounts are nearly identical. He said that he was detained in St. Petersburg on January 25 around 9:30 p.m. by several masked men who threw him to the ground, kicked him several times, placed him in handcuffs, and dragged him into a minivan. The handcuffs were tightened to the extent that they left visible marks on his wrists.⁵⁴

Kapustin said that the men drove him around in the minivan for four hours while they questioned him about his participation in political organizations, trips to the city of Penza, and the political activities of his acquaintances.⁵⁵ He said that during the questions, one of the men administered no fewer than 40 electric shocks to his groin and the sides of his abdomen. Kapustin said that at one point, one of the men stood on his legs to hold him down while the other men administered electric shocks. Russian media released photographs of burns on his body. Kapustin said that officers threatened to break his legs and leave him in the forest.⁵⁶

Around 1:30 a.m. on January 26, Kapustin said, he was taken to an FSB facility in St. Petersburg and was interrogated for about an hour. He said that he was threatened with a “second round” if he did not answer all of the questions. He was then taken to his home, where FSB officers led a search. During the

⁴⁹ Ibid.

⁵⁰ Human Rights Watch interview with Ekaterina Kosarevskaya.

⁵¹ Report from the St. Petersburg Public Oversight Committee, February 2, 2018.

⁵² “In Petersburg ‘Network’ suspect Igor Shishkin’s arrest was extended another four months [В Петербурге фигуранту дела «Сети» Игорю Шишкину продлили арест на четыре месяца],” OVD-Info, June 18, 2018, <https://ovdinfo.org/express-news/2018/06/18/v-peterburge-figurantu-dela-seti-igoryu-shishkinu-prodlili-arest-na-chetyre> (accessed June 20, 2018).

⁵³ Complaint filed by Ilya Kapustin with the Investigative Committee, February 9, 2018, publicly available at <https://www.fontanka.ru/2018/02/13/145/report.2.html#/?0>. “Ilya Kapustin from St. Petersburg talks about how the FSB tortured him [‘Они сказали, что могут переломать мне ноги и выбросить в лесу.’ Илья Капустин из Петербурга рассказывает, как его пытали сотрудники ФСБ],” Mediazona, January 27, 2018, <https://zona.media/article/2018/01/27/kapustin> (accessed June 6, 2018).

⁵⁴ “Ilya Kapustin from St. Petersburg talks about how the FSB tortured him,” Mediazona, January 27, 2018.

⁵⁵ Penza is a Russian city located approximately 1,300 kilometers southeast of St. Petersburg. Six men were arrested in Penza in October and November 2017 in connection with the FSB’s investigation into “Network.”

⁵⁶ “Ilya Kapustin from St. Petersburg talks about how the FSB tortured him,” Mediazona, January 27, 2018.

search, FSB officers threatened to plant grenades in his apartment and to launch a criminal case against him. The officers left without charging him.⁵⁷

Later that day, Kapustin went to a clinic to seek treatment for his injuries. Documentation from the clinic noted the existence of multiple contusions on his face and ribcage; electrical burns on his stomach, right hip, and groin; and linear bruising on his wrists.⁵⁸ On January 29, the St. Petersburg Health Committee carried out a forensic medical exam to determine the cause and extent of his injuries. The exam summarized Kapustin's injuries as noted in his medical record from the clinic and detailed Kapustin's allegations that he had been subjected to electric shocks by masked individuals who Kapustin said he later learned were FSB officers. The survey concluded that the injuries did not cause serious harm to health.⁵⁹

On February 9, Kapustin filed a criminal complaint with the Investigative Committee regarding his treatment by FSB officers.⁶⁰ On April 20, the Investigative Committee informed him that a criminal case would not be opened in relation to his complaint.⁶¹ According to Kapustin's lawyer, Dmitry Gerasimov, investigative authorities claimed officers needed to use electric shocks because Kapustin had resisted FSB orders during his detention. Gerasimov said that he and Kapustin plan to appeal against the Investigative Committee's decision not to open a criminal case.

Gerasimov told Human Rights Watch that Kapustin has since fled Russia and is seeking asylum in Finland.⁶²

V. Crimea-Related Cases (articles 2, 12, 13, 15, and 16)

Allegations of Torture in the Case of Oleg Sentsov

In August 2015, a Russian military court in Rostov-on-Don sentenced Ukrainian filmmaker Oleg Sentsov to 20 years in a high-security penal colony for supposedly running a "terrorist organization." His alleged accomplice, Crimean activist Olexander Kolchenko, received a 10-year term for his role in an alleged "terrorist attack" and participation in a "terrorist organization." When Russia occupied Crimea in spring of 2014, Sentsov spoke out against the occupation and helped to evacuate stranded Ukrainian soldiers from military bases in Crimea.

⁵⁷ Ibid.

⁵⁸ Medical record of Ilya Kapustin, City Polyclinic No. 3, January 26, 2018, on file with Human Rights Watch.

⁵⁹ St. Petersburg Health Committee, judicial-medical survey of Ilya Kapustin, January 29, 2018, on file with Human Rights Watch.

⁶⁰ Post by Pavel Chikov on Telegram, February 13, 2018, <https://t.me/pchikov/768> (accessed June 6, 2018).

⁶¹ Investigative Committee, decision not to launch a criminal case, April 20, 2018, on file with Human Rights Watch.

⁶² Nina Järvenkylä, "Ilya Kapustin: 'When the Stamp Thudded in My Passport, It Was Like a Huge Weight Had Been Lifted from My Shoulders' [Turvapaikkaa Suomesta hakeva venäläisaktivisti Ilya Kapustin: 'Kun passiin jysähti leima, oli kuin valtava paino olisi pudonnut harteilta']," *Ilta-Sanomat*, March 10, 2018, English translation available at <https://therussianreader.com/2018/03/13/ilya-kapustin-asylum-finland-iltalehti/> (accessed June 6, 2018).

The organization that Russian authorities accuse Sentsov of running allegedly carried out two arson attacks in Crimea in April 2014—one on the offices of the Russian Community in Crimea association and another at the headquarters of the pro-Kremlin United Russia Party in Simferopol. No one was injured in either attack. During his trial, prosecutors provided no evidence of his personal involvement in the arson attacks.

The charges against Sentsov for running a terrorist organization were based solely on testimony from two other alleged members of the group. One of them, Gennady Afanasyev, withdrew his testimony toward the end of Sentsov's trial, saying it had been extracted under torture. In court, Afanasyev alleged that Russian security service officials viciously beat him during interrogations, suffocated him with a gas mask, stripped him naked, and threatened him with rape to force him to testify against Sentsov. Sentsov also made allegations of ill-treatment in custody and claimed that law enforcement officials hit him on his back.

The authorities did not investigate these allegations. During Sentsov's trial, prosecutors argued that his visible wounds were the result of a long-standing involvement in sadomasochistic sexual practices.⁶³

Torture of Renat Paralamov in Nizhnegorskiy, Crimea

In September 2017, Russia's security services detained Renat Paralamov, a Crimean Tatar who worked as a trader at a local market in the town of Nizhnegorskiy, on suspicion of involvement with the Islamist movement Hizb ut-Tahrir, which has been banned as a terrorist organization in Russia since 2003 but is not proscribed in Ukraine or in most of Europe. Paralamov later alleged that the officials tortured him to coerce him into becoming an informant.

On September 13, a group of masked men in Nizhnegorskiy searched the house where Paralamov lived with his family. They said that they needed to search for "weapons and drugs." During the search, they seized Paralamov's laptop and tablet, as well as a book on Islam belonging to his mother-in-law. After the search, the men put Paralamov in a van and drove away.

For more than 24 hours, Paralamov's family and lawyer had no contact with him or information about his whereabouts. Paralamov's lawyer and a group of activists called and visited police and FSB departments in Nizhnegorskiy and Simferopol asking about him, but they got no answers as to his whereabouts or even a confirmation of his arrest. On the morning of September 14, a policeman told Paralamov's family and friends, who had gathered outside a Nizhnegorskiy police station, that the local FSB department had released Paralamov the day before but that he "voluntarily" went back to "provide further answers" to the authorities' questions.

At around about 12:30 p.m. on September 14, Paralamov called his family from a bus station in Simferopol. He said he had been badly beaten and was shaken and unable to walk. Paralamov's family

⁶³ Yulia Gorbunova, "Russia Should Free Oleg Sentsov Before FIFA World Cup," May 24, 2018, <https://www.hrw.org/news/2018/05/24/russia-should-free-oleg-sentsov-fifa-world-cup>.

took him to a hospital in Simferopol to document his injuries, which included multiple hematomas and bruises.

At the end of September, Paralamov managed to leave Crimea with his family. After he arrived in Kyiv, he spent 15 days in a hospital to get treatment for his injuries.

During a news conference in Kyiv in early November, Paralamov described his detention and torture. He said that after the FSB took him to the station, they put a bag over his head, put tape over his mouth, and tortured him with electric shocks. They also punched him in the chest and hit him on the back of his head. When he asked for a lawyer, an FSB agent punched him in the chest and told him, “I’m your lawyer.”

Paralamov said the FSB agents asked him about his involvement with Hizb ut-Tahrir and demanded that he become an informant, attend Crimean Tatars’ gatherings, collect information, and pass it on to the authorities. They also forced him to sign a document claiming that he left the FSB station in Simferopol on September 13 and voluntarily returned to confess to involvement with Hizb ut-Tahrir and that he voluntarily agreed to “cooperate” with the FSB.

Paralamov said that the next day, the authorities took him to a forest, where they made him repeat his confession on camera. The authorities told Paralamov that if he cooperated, he would get a three-year conditional sentence rather than real prison time and told him not to use a Crimean lawyer but the lawyer that they would provide.⁶⁴

Recommendations for Steps the Government of Russia Should Be Urged to Take:

Regarding Russia’s obligations under the Convention

- Publicly affirm Russia’s commitment to support and abide by the international prohibition on torture and inhuman and degrading treatment, including by adopting and enforcing a policy of zero tolerance for ill-treatment and torture, whether on the streets, during arrests, or in detention. This includes the robust and effective investigation of allegations of ill treatment, coupled with prompt and effective sanctions against all officials found to be responsible for or complicit in prohibited treatment. Such sanctions should include criminal prosecution and penalties.
- Ensure anyone who alleges that they have been the victim of prohibited treatment at the hands of a state agent—no matter which agency or rank and whether at a regional or federal level—has access to an effective remedy, meaning an effective complaint mechanism that will carry out an independent and thorough investigation into the allegations and is capable of leading to reparations for the victim and accountability for those responsible. All findings of such investigations should be made public.

⁶⁴ “Crimea: Persecution of Crimean Tatars Intensifies,” Human Rights Watch, November 14, 2017, <https://www.hrw.org/news/2017/11/14/crimea-persecution-crimean-tatars-intensifies>.

- Respect, protect, and facilitate the work of independent civil society groups and activists to monitor and report on Russia's compliance with its Convention obligations and to provide assistance to victims of violations, including by ending the crackdown on freedoms of assembly, association, and expression and by repealing legislation that restricts these freedoms and allowing human rights defenders to carry out their work without undue hindrance or fear of persecution.

Regarding the anti-gay purge and other abuses in Chechnya

- Publicly condemn in the strongest terms the 2017 anti-gay purge in Chechnya. The authorities should lead a thorough and impartial investigation into the allegations of torture and ill-treatment against gay men in Chechnya and ensure genuine anonymity and other protections for victims, witnesses, and their families so that they may participate in the investigation. This includes allowing them to testify remotely.
- Ensure all Chechen authorities—including law enforcement and security agencies—fully comply with Russia's obligations under the Convention, including by immediately shutting down all unofficial detention facilities in Chechnya.
- Immediately and unconditionally release Oyub Titiev and drop the false charges against him so that he may continue his work in documenting human rights abuses—including torture and ill-treatment—in Chechnya.

Regarding allegations of torture and ill-treatment, particularly against alleged terrorism suspects

- Conduct a thorough investigation into allegations that state officials tortured and ill-treated Akram and Abror Azimov at an extrajudicial detention facility in the course of their investigation into the St. Petersburg metro bombing of April 3, 2017.
- Conduct a thorough investigation into allegations that state officials tortured and ill-treated suspects in the FSB's investigation into the group "Network." This should include reopening criminal complaints filed by Viktor Filinkov and Ilya Kapustin and launching a thorough investigation into the treatment of other suspects in the case who are currently in detention in St. Petersburg and in Penza. In the course of the investigation, protections should be granted to victims of torture. Those responsible for any mistreatment should be held accountable, and Filinkov and Shishkin should be provided remedies. Any incriminating testimony Filinkov and Shishkin gave under duress should be deemed inadmissible in court.
- Examine the Investigative Committee's role and effectiveness in conducting investigations into torture allegations to determine whether they meet Russia's obligations under the Convention.

Regarding allegations of torture and ill-treatment in Crimea

- Conduct a thorough investigation into use of torture and ill-treatment against those accused of terrorism in Crimea, including the use of torture to extract confessions. Immediately release Oleg Sentsov, whose imprisonment is politically motivated and based on a witness account extracted under torture. Drop all charges against Renat Paralamov.

