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SUBMISSION

with the 4th cycle of the Universal Periodic Review on

Situation with Torture and Ill-treatment in the Russian Federation

Presented by the Crew Against Torture and the World Organisation against Torture

The Crew Against Torture (CAT) is a Russian non-governmental organization that continues the activities of the liquidated NGO "Committee Against Torture", founded in Nizhny Novgorod in 2000. At the moment, the CAT operates in the territory of central and southern Russia, as well as in the republics of the North Caucasus with the population of the regions covered around ¼ of the entire country.

The CAT's goals include combating torture and ill-treatment committed by law enforcement officials; providing legal, medical and social assistance to victims of torture, monitoring the situation with torture and raising public awareness. The CAT litigates cases at the European Court of Human Rights (ECtHR) and the UN human rights mechanisms.

The World Organization Against Torture (OMCT) is an international non-governmental organization founded in Geneva in 1985. The mission of the OMCT is to promote the eradication of torture, extrajudicial executions, disappearances, arbitrary detentions and other cruel, inhuman

or degrading treatment or punishment, and to provide protection to victims and potential victims through a global network of civil society organizations working in partnership and solidarity.

I. Introduction

1. The CAT and the OMCT are presenting a joint submission within the fourth cycle of the Universal Periodic Review (UPR) of the Russian Federation, which will take place in November 2023. This submission focuses on key issues regarding torture and ill-treatment in Russia. Over the past five years since the third cycle of the UPR, the human rights situation in the country has significantly deteriorated. The current report analyzes the unsuccessful attempt to incorporate the definition of torture into national legislation, points out the serious shortcomings of the current practices of investigation of torture and ill-treatment, and illustrates the negative consequences of Russia leaving the Council of Europe. The report's key recommendations are the following:

a) To amend the Criminal Code to criminalize torture and inhuman treatment in full compliance with the Convention against Torture;

b) To conduct full and effective investigation into all allegations of the use of disproportionate force by law enforcement during peaceful demonstrations by the Investigative Committee;

c) To end the practice of pre-investigation inquiries of torture allegations, to ensure that criminal cases on torture allegations are opened immediately, and effective criminal investigations into all allegations of torture and ill-treatment are promptly conducted;

d) To amend Federal Law "On Public Control"[1], providing for the transparency of the elections of members of the Public Oversight Committees (the POCs) and expanding the mandate of POCs to cover all places of detention and closed institutions;

e) To fulfill international obligations under international treaties and repeal laws on non-compliance with ECtHR judgments;

f) To recognize the binding force of the decisions of the UN treaty bodies and adopt appropriate amendments to the relevant legislation.

II. Incorporation of the definition of torture into the criminal legislation of the Russian Federation

2. In the Russian Federation, disproportionate or unlawful use of force by state agents is qualified as abuse of power, or excess of official authority (Article 286 of the Criminal Code). Abuse of power is understood as the actions of a public official which clearly go beyond his/her powers, which entail a significant violation of the rights and lawful interests of citizens or organizations or the legally protected interests of society or the state. The scope of this crime covers a wide range of actions from the use of force by a police officer against a detainee to the embezzlement of funds on a large scale by the rector of a state educational institution. Therefore, there is no separate state statistics on the acts of torture, as it covers all types of these offences.

3. In July 2022 Article 286 of the Criminal Code was amended with an expanded list of qualifying elements of a crime. Thus, the *corpus delicti* of the crime "torture" has been incorporated into Article 286. In this way the definition of "torture" was integrated into the national legislation, however there are several serious shortages.

4. First of all, torture is not criminalized as a separate crime as recommended by UN Committee against Torture. The prohibition of torture and other forms of ill-treatment is provided by Article 302 of the Criminal Code ("Compulsion to testify") and Article 286 of the Criminal Code ("Exceeding official powers")[2]. The inhumane treatment is not criminalized in the national legislation.

5. The second shortcoming of the current regulation is individuals perpetrating torture. The practice of international human rights mechanisms provides that the perpetrator of torture is "a person acting in an official capacity". This term is broader than the term "state official"

provided by the national criminal law. For example, employees of a private security company, representatives of the patriotic militarized movements as Cossacks, employees of health, social, educational institutions, etc., fall outside the scope of the "states officials" that contradicts the Convention against Torture.

6. Moreover, torture or other forms of ill-treatment should be defined in the national legislation as acts committed, though not by a representative of the state, but at his instigation, with the consent or acquiescence. Such a provision is not mentioned in article 286 and only provided for in a limited scope in Article 302 of the Criminal Code.

7. Finally, abuse of power committed with the use of torture is punishable by imprisonment for a term from 4 to 12 years; if abuse of power negligently caused the death of the victim or serious harm to the victim's health - from 8 to 15 years. Due to the nature and public danger of torture, the punishment should correspond to one for the serious crime, meaning that the minimum sanction cannot be less than 7 years. Perpetrators of torture are exempted from criminal responsibility by virtue of the fifteen-year statute of limitations. However, in accordance with the international standards the statutes of limitation must not be applicable to acts of torture and ill-treatment.

8. **Recommendations to the government**:

a) Amend the Criminal Code by providing torture as a separate crime, in compliance with the definition of the Convention against Torture;

b) Amend the Criminal Code by introducing liability for cruel, inhuman and degrading treatment and punishment as a separate crime;

c) Amend the Criminal Code by bringing the definition of torture in line with the definition of the Convention against Torture, establishing proportionate punishment and abolishing statutes of limitation for torture and ill-treatment.

III. Extra-custodial torture and lack of its investigation

9. During the third cycle of the UPR, Russia partially accepted the recommendation to refrain from detaining participants of peaceful demonstrations and ensure that police officers who use excessive force against protesters are held accountable[3]. The national delegation noted that "the Constitution guarantees the right to peaceful assembly. At the same time, the exercise of this right cannot violate the rights and freedoms of other citizens, including their right to personal and public security. In case of such a threat from the participants of public demonstrations, law enforcement officers are entitled to take legally defined measures against them. All complaints on the use of excessive force by law enforcement officers against participants in public events are verified and, if these cases are confirmed, the perpetrators are held accountable[4]."

10. In recent years, citizens have more actively participated in public demonstrations in many large Russian cities such as Nizhny Novgorod, Orenburg, and Krasnodar than before. According to initiative OVD-info, more than 55,500 arrests at peaceful demonstrations have been documented over the last 6 years[5].

11. Based on our assessment, the arrests during peaceful demonstrations in 2019, 2021 and 2022 are arbitrary and selective in nature, accompanied with the disproportionate and excessive use of physical force and special equipment by employees of the Ministry of Internal Affairs and the National Guard of Russia, engaged to ensure law and order.

12. In addition, in Moscow it is a common practice to announce the so-called "Fortress" plan in the local police stations when mass peaceful demonstrations take place. By means of this, buildings of police are blocked in connection with an alleged terrorist threat or a threat of a raid. The "Fortress" plan is establishment of an emergency for law enforcement officers, which

should be used to prevent the seizure of facilities of internal affairs bodies and internal troops which is regulated by classified internal orders of the Ministry of Internal Affairs[6]. This makes it impossible to clarify grounds, procedure, and related restrictions and complaint against these measures. That is also a violation of the national legislation, as any legal acts directly affecting the rights and freedoms have to be officially published.

13. The main problem is that when "Fortress" plan is realized, lawyers of the detainees, including ones on administrative offences, are deprived access to them as no one is allowed in or out the police stations. Hence, the rights of administrative detainees to receive legal aid and have a lawyer of one's own choice are violated. Together with that, the "Fortress" plan does not suspend proceedings against administrative detainees; materials on the administrative offense are drawn up in relation to them in the absence of lawyers. A similar practice was common in major Russian cities during the January 2021 protests.

14. For instance, in January 2021, in Moscow and Nizhny Novgorod[7], neither lawyers nor members of the POCs, who exercise public control in places of detention, were allowed to enter the police stations to visit detainees[8]. In Nizhny Novgorod, the reason for non-admission was the announcement of the "Fortress" plan.[9,10,11] The access of members of the POCs can be limited in the situations foreseen by law, whereas the "Fortress" plan is not related to these.

15. Below, the authors of the report present an analysis of the work done on **36** allegations of the use of force during public demonstrations in Moscow, St. Petersburg, Orenburg, and Krasnodar in 2019, 2021 and 2022. Criticizing the mentioned position of the Russian delegation, we draw attention to the fact that only **12** complaints were followed by official inquiry by the investigative bodies, none of which resulted in opening of criminal cases.

16. For instance, on 31 January 2021, the minor S., together with his stepfather, was returning to their house that was close to the venue of the public demonstration. A running girl fell next to the teenager, he helped her and saw that the law enforcement officers pursuing the girl headed towards him. The police officers took S. by the shoulders and threw him on the snow. After that, they began to beat the minor with rubber truncheons on the back, in the lumbar region. As a result of violence, the teenager was diagnosed with abrasions and a bruise of the lower back. The prosecuting authority has not yet initiated a pre-investigation inquiry into the victim's complaint.

17. On 21 September 2021, in St. Petersburg, law enforcement officers arrested Aleksandra Barbash during a peaceful demonstration near St. Isaac's Cathedral. According to Ms. Barbash, she was hit on her shoulder with a truncheon to separate her from other protesters who held their hands. While she was entering a police van, a law enforcement officer standing behind her hit on her head with a truncheon saying, "Why don't you sit at home?". As a result of violence, the victim was diagnosed with a contusion wound of the occipital part of her head. The prosecuting authority has not yet initiated a pre-investigation inquiry into the complaints of the victim.[12]

18. The procedure for examining a complaint is regulated by the Code of Criminal Procedure. The opening of a criminal case is preceded by a so-called pre-investigation inquiry (verification of a complaint in accordance with Articles 144, 145 of the Code of Criminal Procedure). The body authorized to examine a complaint on abuse of power is the territorial departments of the Investigative Committee in the area where the crime was committed. Regardless of the state body receiving a complaint, it must subsequently be transferred to the competent body for appropriate inquiry. There are no special requirements for reporting a crime; it can be made orally or in writing. A complaint must be examined within the established time limits (not later than 3 days from the date of receipt of the complaint with the possibility of extending the period up to 30 days). Considering the results of the inquiry, the investigator decides to initiate a criminal case, to refuse to open it, or to transfer the complaint to the competent authority.

19. In 2019, 2021 and 2022, the authors of the report lodged complaints with the Investigative Committee in the interests of the victims beaten during public demonstrations. The complaints had information about the time, place, circumstances, and consequences of the disproportionate use of force against the applicants (with medical documents attached), but in most cases the officials of the Investigative Committee considered that there was no sufficient data even to start an inquiry prescribed by the criminal procedure legislation.

Year	**2019**	**2021**	**2022**
Number of complaints filed with the Investigative Committee	**8**	**21**	**7**
The number of complaints based on which a pre-investigation inquiry has been launched by the Investigative Committee	**4**	**7**	**1**
Number of opened criminal cases	**0**	**0**	**0**

20. In **2019**, after public demonstrations in Moscow and the Moscow region, authors of the report filed **8 complaints to the territorial departments of the Investigative Committee, 1** of which was immediately registered, **3 more** were registered after the relevant complaints (two complaints were registered almost a year after the events). The duly registered complaints have not yet led to the opening of criminal cases. The remaining **4 complaints** submitted to the Investigative Committee were sent for an inquiry to the bodies of the Ministry of Internal Affairs.

21. The complaints to the courts did not bring the expected result as well. Mostly, the courts of first instance refused even to initiate proceedings on complaints against the actions of the Investigative Committee, the higher courts upheld these decisions. Moreover, judges adopted such decisions not to initiate court proceedings in a “closed” session, exclusively examining written documents without summoning the parties. Thus, the merits of the claims of the complaint were never explored. Only **2 proceedings** were adversarial, but the courts dismissed the complaints as unsubstantiated.

22. In **2021** after the demonstrations in Moscow, St. Petersburg, Krasnodar, and Orenburg, the authors filed **21 complaints** to the territorial departments of the Investigative Committee; the results are different in different regions.

23. In Orenburg, all **4 complaints** were registered immediately and in the proper manner.

24. In Krasnodar, **one complaint** against the actions of police officers during a single-person picket was immediately registered with the territorial department of the Investigative Committee, **another complaint** about the use of force during a mass public demonstration was registered after a complaint against the inaction of the investigative body (the registration happened more than 5 months after the events).

25. **15 complaints** against the actions of officers of the Ministry of Internal Affairs and the National Guard during mass public demonstrations in Moscow and St. Petersburg were not registered by the bodies of the Investigative Committee and were sent for consideration directly to the body which alleged employees were involved in the crime. Based on the results of consideration of the complaints in the bodies of the Ministry of Internal Affairs, only **one complaint,** received from a medical institution in Moscow, led to a pre-investigation inquiry; subsequently the case was transferred to the territorial body of the Investigative Committee.

26. **7 complaints** about the events in St. Petersburg were registered with the territorial bodies of the Ministry of Internal Affairs. The officials repeatedly refused to open criminal cases, but these decisions were not sent to the victims, and the representative was denied access to the materials of the pre-investigation inquiry. The bodies of the Ministry of Internal Affairs, by virtue of the law, are not authorized to conduct an official investigation against police officers and the officers of the National Guard. Non-registration of complaints and their transfer to an unauthorized body were complained of before the prosecutor, the head of the investigative body and the court.

27. As counter-argument to the complaint on unlawful, unjustified, and disproportionate use of force against the victims, law enforcement officials refer to the fact that the applicants committed an administrative offense under Article 20.2 of the Code of Administrative Offenses ("A breach of the established procedure for organizing or holding a demonstration, meeting, procession or picket"). Thus, administrative prosecution is regarded as the fact allowing law enforcement to use physical force to suppress an administrative offense. But all 7 victims from St. Petersburg and 1 victim from Moscow were not brought to any responsibility at all.

28. When dealing with the relevant complaints, the courts of Moscow accepted them for consideration and assessed them during adversarial hearings, however, eventually the complaints were rejected. Higher judicial instances agreed with the conclusions of the district courts of Moscow.

29. The courts of St. Petersburg left 7 complaints without evaluation on the merits, in fact assessing the arguments in a "closed" session without summoning the parties; only 1 complaint, after an appellate proceeding, was considered on the merits by the district court during adversarial hearings, however, the claim was rejected.

30. In **2022** after demonstrations in Moscow and St. Petersburg, human rights activists filed **7 complaints** to the territorial departments of the Investigative Committee, the results are different in different regions.

31. All **7 complaints** were not registered by the bodies of the Investigative Committee and were referred to the body which alleged employees were involved in the crime. However, while complaining against the decisions of the Investigative Committee, **1 complaint** was successfully registered by the competent authority, and a pre-investigation has started and is still ongoing.

32. In cases of 2 victims injured during the demonstration in Moscow, the decisions of the Investigative Committee have been challenged before the courts. In relation to one complaint, the court session did not take place, and that fact was successfully challenged on appeal. However, when considering the complaint on the merits, the district court still dismissed the complaint (that decision did not enter into force as it was subsequently challenged). Another complaint was rejected by the court as unsubstantiated, and the appellate instance confirmed that decision.

33. An analysis of the above cases indicates a clear unwillingness of the authorities to investigate complaints about the use of force during public demonstrations: complaints are not registered in the proper manner, and, in exceptional cases, the investigation is carried out by employees of the Ministry of Internal Affairs, which officials are involved in the use of force; the courts do not properly assess complaints against the actions of the Investigative Committee or reject them as unsubstantiated. The victims suffered from disproportionate use of force during peaceful demonstrations do not have means of effective protection.

34. **Recommendations to the government:**

a) Publish the orders of the Ministry of Internal Affairs, which regulate the introduction of the "Fortress" plan in the territorial police departments;

b) Ensure unrestricted access of lawyers to their clients at places of detention;

c) Eliminate the practice of prohibiting members of the POCs to enter places of detention, regardless of the introduction of a special regime in the facility;

d) Conduct full and effective investigations into all allegations of disproportionate use of force by law enforcement during public demonstrations by the Investigative Committee;

e) Eliminate the courts' practice of rejecting complaints about the non-registration of reports about crime or a decision adopted outside the rules of the Code of Criminal Procedure.

IV. Investigation of torture and ill-treatment

35. The authors of this submission analyzed 219 cases of torture and ill-treatment from their practice from 2000 to 2021. Instead of opening criminal cases on credible allegations of torture and ill-treatment, investigators initiate a pre-investigation inquiry (the stage of verification of complaints prior to a preliminary investigation).

- In 77% of cases, the pre-investigation inquiry ended with the decision not to open a criminal case.
- In 51% of cases, the investigating authorities had not ever initiated criminal cases on credible allegations of torture and ill-treatment.[13]
- In 43% of cases, the perpetrators were sentenced to a suspended prison term.[14]

Most investigations into allegations of torture and ill-treatment did not meet the standards of effective investigation, such as promptness and thoroughness.[15]

36. The North Caucasus remains a territory of impunity. Since 2003, when the authors of the report began their work in the North Caucasus, no perpetrator of torture or ill-treatment has been held accountable for these acts.[16]

37. The practice of torture, extrajudicial executions, enforced disappearances and *incommunicado* detention continues to exist in the North Caucasus.[17] For example, Salman Tepsurkayev was abducted on 6 September 2020, later a video of his ill-treatment was published on the Internet. He is presumed to be dead since he has not contacted his relatives for more than two years since his disappearance. While the ECtHR has delivered the judgment in his case[18], the investigation at the national level is still ongoing, the perpetrators have not been identified. His wife has not been granted a victim status and does not have access to the case materials.[19]

38. Recently the federal authorities accepted the Chechen police officers abducting people from other regions and forcibly delivering them to Chechnya as well as fabricating criminal cases against them. For example, Zarema Musayeva, the mother of the Yangulbayev brothers, critics of the Chechen authorities, was abducted from Nizhny Novgorod;[20] Idris Arsamikov, an LGBTI person, was abducted from Domodedovo Airport and subsequently disappeared.[21]

39. Recommendations 147.109, 147.111, 147.112, 147.113, 147.127, given in the framework of the UPR third review of the Russian Federation remain unmet.[22]

40. **Recommendations to the government:**

a) Ensure that credible allegations of torture and ill-treatment are thoroughly, effectively, independently, and impartially investigated; that perpetrators are prosecuted, and if convicted, punished in a manner proportionate to the gravity of the acts committed;

b) Ensure that victims of human rights violations, especially torture, and their families are provided with effective remedies. All affected persons should be granted victim status and access to the case files, as well as the necessary rehabilitation and support;

c) End the practice of pre-investigation inquiries into complaints about torture and ensure that criminal cases on torture allegations are opened promptly, and effective criminal

investigations into all allegations of torture and ill-treatment are conducted;

d) Investigate all cases of torture and ill-treatment, enforced disappearances and extrajudicial executions in the North Caucasus, identify and bring to justice all those responsible;

e) Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

V. Closeness of the Public Oversight Committees (the POCs) from human rights defenders

41. The situation of non-admission of human rights defenders to the POCs is extremely alarming. In the last periodic review, the Russian Federation accepted recommendations to ensure the independence of the POCs, as well as the transparency of their selection[23]. The purpose of POCs is participation of civil society organisations in public control over ensuring human rights in places of detention, assistance to persons in places of detention, including facilitation of their re-adaptation to social life. The mandate of a member of the committee is valid for 3 years. A candidate is nominated by a public association (there are requirements for the candidacy and the association, for example, as the age limit). Then the federal council of the public chamber assesses the applications and reports the result of the assessment; the reasons for rejecting the candidate are not reported.

42. In the 2019 convocation, the number of independent human rights defenders elected to POCs significantly reduced. Candidates of independent defenders having been the members of the previous convocation did not receive support in the public chamber.

43. In 2022 elections were held for the POCs in 43 regions of Russia. However, independent human rights activists did not get into the new compositions at all, they received zero support from the public chamber.[24,25,26] According to human rights defenders this convocation has an unprecedented number of elected members from among former law enforcement officers.

44. In 2022 human rights defenders carried out the analysis of the draft of amendments to the Law "On Public Control"[27] and submitted their proposals to deputies of the State Duma. Unfortunately, the amendments proposed by human rights organizations were not supported. For example, the final version of the adopted law (signed by the President of Russia on 5 December 2022, enters into force on 4 June 2023) does not recognize escort premises of courts and specialized facilities for providing assistance to persons who are in a state of alcoholic, narcotic or other toxic intoxication as places of detention. Besides, amendments on the transparency of elections to POCs, in particular, the proposal to include a requirement to notify the organization that nominated the candidate about the specific grounds for rejecting that candidate and the obligation to publish the results of the elections, were also not adopted.

45. It is fair to note that the 2022 amendments provides for some positive developments as the reimbursement of expenses of members of POCs by the public chambers of the regions, and introduction of the principle of independence of the Committees, which had been previously recommended to the authorities[28].

46. **Recommendations to the government:**

a) Amend Federal Law "On Public Control"[29], introducing transparency in the election of members of the POCs and expanding the mandate of POCs to cover all places of detention and closed institutions.

VI. Expulsion from the Council of Europe and impact on human rights

47. The Russian Federation ceased to be a member of the Council of Europe on 16 March 2022[30] and a High Contracting Party to the European Convention on Human Rights on 16 September 2022. The European Court of Human Rights (the ECtHR) decided to continue examination of all applications against the Russian Federation in relation to acts or omissions capable of constituting a violation of the Convention if they occurred before 16 September 2022.[31]

48. However, the Russian Federation claims that it voluntarily left the Council of Europe on 15 March 2022.[32] Domestic laws were then passed according to which the ECtHR judgments that entered into force after 15 March 2022 are not enforceable by Russia, i.e., no compensation awarded by the ECtHR would be paid and no proceedings would be reopened. The adopted legislation is retrospective in nature and regulates relations that existed before its entry into force. For example, Federal Law No. 180-FZ of 11 June 2022, amending Chapter 49 of the Code of Criminal Procedure, removed the possibility of reopening a criminal proceeding based on a judgment of the ECtHR as a "newly discovered fact". Similar provisions have been removed from other domestic procedural codes.[33] Moreover, the Russian Federation has stopped all communications with the ECtHR and other bodies of the Council of Europe.[34] The national authorities do not submit any written observations to the ECtHR upon its request anddo not participate in meetings of the Committee of Ministers on the execution of the ECtHR judgments. As a result of its expulsion from the Council of Europe, the Russian Federation ceased to comply with the interim measures under Rule 39, depriving the victims of further protection.

49. Since 16 March 2022, the ECtHR adopted 10 judgments in which the authors of this submission represented the interests of the victims of ill-treatment and other violations.[35] In some cases, the victims applied to the Prosecutor General's Office (the body responsible for paying compensations awarded by the ECtHR) with a demand for compensation. Referring to the new legislation, the Prosecutor General's Office refused to comply with these ECtHR judgments in terms of compensations. One such refusal was challenged before a national court, all claims were rejected[36]. The authors have not yet received a court decision, but in a similar case, the court argued that "the Russian Federation resists to the economic and political threats as well as the Council of Europe has, in fact, lost its multi-dimensional character and turned into an entity that aggressively imposes a neoliberal approach to human rights in violation of the principles and values enshrined in the Statute of the Council of Europe and the founding conventions"[37]. Thus, the victims are denied justice and the restoration of their violated rights.

50. As part of the 3rd cycle of the UPR, the Russian government received the following recommendation: "147.27. Repeal laws that allow to disregard the decisions by international human rights bodies, notably the European Court of Human Rights", which was not accepted.[38] Having regard to the new legislation, the situation has significantly deteriorated as the Russian Federation completely refuses to implement all ECtHR's judgments and has stopped all communication and cooperation with the Council of Europe.

51. **Recommendations to the government:**

a) Comply with its international obligations under international treaties and repeal laws on non-compliance with ECtHR judgments;

b) Execute all judgments of the ECtHR that entered into force after 15 March 2022 and restore the victims' rights by paying all just satisfaction claims awarded by the ECtHR and, if necessary, by reopening the domestic proceedings;

c) Fully recommence cooperation with the Council of Europe, with the ECtHR and the Committee of Ministers;

d) Continue cooperation with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

VII. Failure to comply with the decisions adopted by the UN treaty bodies

52. Victims of human rights violations also face significant obstacles in implementing the decisions of the UN treaty bodies at the national level. Whereas before the amendments to the Code of Criminal Procedure and other procedural codes, the judgments of the ECtHR presented a separate ground for reopening proceedings, there have not been such ground in relation to the views of the UN treaty bodies. Thus, to reopen proceedings after the ECtHR judgment the victim applied directly to the Supreme Court of the Russian Federation; in relation to a view of the UN treaty body, the victim needs to apply to a prosecutor, who can order the initiation of proceedings due to newly discovered facts. However, the prosecutor often refuses to initiate such proceedings, and the victim of the violation must challenge that refusal before the national courts.

53. With regard to compensation claims to be paid in accordance with the decisions of the UN treaty bodies, the victim must apply to the domestic courts with civil claims. There are two possible scenarios. In the first case, the national courts agree with the UN views and award an unjustifiably low compensation.[39] In the second case, the national courts dismiss all the claims of the victims, arguing that the views of the UN treaty bodies are not binding and are of a recommendatory nature.[40]

54. The Russian Federation disregards the interim measures indicated by the UN Human Rights Committee, in violation of its obligations under Article 1 of the Optional Protocol to the International Covenant on Civil and Political Rights. Several cases are known where domestic authorities ignored their international obligations and extradited persons to the third countries where there was a reasonable risk of torture.[41]

55. **Recommendations to the government:**

a) Acknowledge the binding nature of the views of the UN treaty bodies and adopt the necessary amendments to the criminal procedure legislation, according to which the views will constitute a separate ground for the resumption of proceedings and entail applying to the Supreme Court;

b) Acknowledge the binding force of the views of the UN treaty bodies and adopt the necessary amendments to the civil legislation, according to which the views will constitute a separate ground for lodging civil claims;

c) Develop a methodology for domestic courts allowing to calculate compensation sums that would meet the standards of adequacy and fairness and ensure available funds un the state budget for such costs and expenses;

d) Ensure compliance with interim measures and views adopted by the UN Treaty Bodies.

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[1] Federal Law No. 76-FZ of 10 June 2008 "On public control regarding respect for human rights in places of detention and on providing assistance to persons in places of detention"

[2] Report on the number of convicts for all offenses of the Criminal Code of the Russian Federation (in Russian), available at: http://www.cdep.ru/index.php?id=79&item=7069

[3] UNHRC, Report of the Working Group, 12 June 2018, UN Doc. A/HRC/39/13, Recommendation 147.157

[4] Position on the Recommendations Presented to the Russian Federation by Foreign Delegations during the Third Cycle of the Universal Periodic Review

[5] OVD-Info Report "Information on the human rights situation in Russia for the OSCE Moscow Mechanism", 30 August 2022 (in Russian), available at: https://reports.ovdinfo.org/informaciya-o-situacii-s-pravami-cheloveka-v-rossii-dlya-moskovskogo-mehanizma-obse#1

[6] Order of the Ministry of Internal Affairs of the Russian Federation No. 720 *ДСП* of 20 October 2020 and Order of the Ministry of Internal Affairs of the Russian Federation No. 990 *ДСП* of 19 December 2013

[7] Advstreet.ru, "Silence of the Chambers", 4 February 2021 (in Russian), available at: https://advstreet.ru/article/molchanie-palat/

[8] Rbc.ru, "The POC explained the problems with the placement of detainees that were arrested during the protests", 4 February 2021 (in Russian), available at: https://www.rbc.ru/rbcfreenews/601bd1139a7947097e70d3c9

[9] Decision of the Leninsky District Court of Nizhny Novgorod, 22 October 2021 (in Russian).

[10] Appeal decision of the Nizhny Novgorod Regional Court, 22 June 2022 (in Russian).

[11] Decision of the Sovetsky District court of Nizhny Novgorod, 15 September 2022 (in Russian).
[12] Mediazona, "What, 'no war'?" Police violence at anti-mobilization demonstrations on 21 September is one example of many" (in Russian), available at: https://zona.media/article/2022/09/22/barabash
[13] The CAT statistics on the practice of investigating complaints of torture, 2021
[14] *Ibid.*
[15] Interregional public organization "Committee Against Torture", Shadow report on compliance by the Russian Federation with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, §§ 74-90, 2018.
[16] The CAT statistics on the practice of investigating complaints of torture in the North Caucasian Federal District, 2022.
[17] PACE, The continuing need to restore human rights and the rule of law in the North Caucasus region, Report Doc. 15544, 03 June 2022; Resolution 2445 (2022).
[18] S.T. and Y.B. v. Russia (Application no. 40125/20), 19 October 2021.
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