

**Flygtningenævnets baggrundsmateriale**

<b>Bilagsnr.:</b>	<b>778</b>
Land:	Rusland
Kilde:	The Public Verdict Foundation og European Prison Litigation Network
Titel:	Torture in Russian Prisons Investigation and repercussions against victims who report torture
Udgivet:	5. april 2023
Optaget på baggrundsmaterialet:	9. februar 2024



**The Public Verdict Foundation**  
12 Maly Karetny lane, Moscow 127051  
info@publicverdict.org



**European Prison Litigation Network**  
21 ter, rue Voltaire, 75011 Paris  
contact@prisonlitigation.org

UNITED NATIONS HUMAN RIGHTS COUNCIL

To the Human Rights Council Working Group on the Universal Periodic Review  
4th UPR Cycle, 44th Session, Review of the Russian Federation

Joint Submission  
from non-governmental organisations

**Torture in Russian Prisons**  
**Investigation and repercussions against victims who report torture**

Submitted by the Public Verdict Foundation

jointly with

European Prison Litigation Network

5 April 2023

## Introduction

1. This joint submission is intended to draw the attention of the United Nations Human Rights Council and the United Nations Member States to the problem of torture and ill-treatment in the Russian penitentiary institutions, including the state of safeguards provided for the victims of torture.<sup>1</sup>

2. The submission is in particular related to Recommendations nos. 147.110 and 147.114 made by the UN Member States to the Russian Federation within the Third Universal Periodic Review Cycle in 2018:<sup>1</sup>

### **Recommendation 147.110 (Austria)**

Ensure that all investigations into cases of abductions, unlawful detentions, torture and other ill-treatment, as well as killing, are conducted thoroughly and effectively

### **Recommendation 147.114 (Germany)**

Investigate allegation of torture and inhuman treatment in custody in a transparent manner and bring those responsible to justice

3. The submission is prepared and lodged by:

*The Public Verdict Foundation*, one of the oldest human rights organisations in Russia combating the practice of torture and degrading treatment of people by law enforcement agencies. It was founded in 2004 with the mission to nurture zero-tolerance to any forms of illegal violence and introduce civil oversight as the key instrument to achieve that goal.

jointly with

*European Prison Litigation Network (EPLN)*, an international NGO holding a participatory status with the Council of Europe, which focuses its activities on

---

<sup>1</sup> All cases mentioned in this report are in public domain. They are used by the submitting organisations based on explicit informed consent from the victims or their family members.

For detailed information on the issues covered in this submission, see: Communication from the Public Verdict Foundation to the CCPR (136th Session (10 October – 4 November 2022) in relation to the eighth periodic report of the Russian Federation), available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FCSS%2FRUS%2F47730&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FCSS%2FRUS%2F47730&Lang=en)

Communication from EPLN to the CCPR (136th Session (10 October – 4 November 2022) in relation to the eighth periodic report of the Russian Federation), available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FCSS%2FRUS%2F50031&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FCSS%2FRUS%2F50031&Lang=en)

enhancement of the judicial protection of the fundamental rights of prisoners in the Member States of the Council of Europe.

### **General overview**

4. In June 2017, 18 prison officers of correctional colony no. 1 in Yaroslavl Region conducted “educational activities” with inmate Yevgeny Makarov. Makarov applied for legal assistance to the Public Verdict Foundation, whose lawyers lodged numerous about the torture to which he was subjected. In July 2018 a video with scenes of the group beating of Yevgeny Makarov was published. It showed a prisoner lying on his stomach being beaten by prison officers on his shins and heels with rubber batons. On several times cold water was poured on his head. Then Makarov was put on his knees and hit repeatedly in his face. The torture lasted at least 10 minutes. After the publication, made by Novaya Gazeta jointly with the Public Verdict Foundation, thousands of people in Russia and abroad learned about this case. It ensued in detentions, arrests, criminal cases, including cases against the two heads of the correctional colony.<sup>2</sup> Almost immediately, new cases of torture at the same correctional colony have been brought to light, and new videos of torture, ill-treatment, and humiliation of inmates by prison staff were published.

5. The Yaroslavl case brought to light the appalling practices that human rights advocates have long been protesting, including the use of human degradation as a means of managing prisons. It was followed by a wave of torture cases in 2020-2021,<sup>3</sup> including other similar leaked footages from various Russian correctional institutions, recorded, on purpose by the prison officers.<sup>4</sup> Ultimately, it has led to a scandal that forced the Russian authorities, including the President, to react publicly.<sup>5</sup>

6. Convicted prisoners serving their sentences are routinely tortured in institutions of the penal system as part of what is called “maintenance of internal order.” The multi-episode case of prisoner abuse in corrective colony no. 1 in Yaroslavl alone makes it clear that torture and ill-treatment are routinely used in prisons in a variety of ways.<sup>6</sup>

7. Following the investigations at the detention facilities in some twenty regions in the first quarter of 2022, the Prosecutor General Office concluded that “the lack of a firm position against the violations of the right to safety and the right to life on the part of the heads of a number of [facilities] and of territorial bodies of the Russian Penitentiary Service in the face of violations has led to the existence of an unlawful practice of treating detainees with violence and degrading [their] human dignity”.<sup>7</sup>

8. The reaction of the President to the October 2021 publication of videos of torture and rape in prisons and the subsequent series of resignations of the superiors of the Penitentiary Service (the FSIN) could be perhaps the strongest evidence of the authorities' concern about the current situation.<sup>8</sup> However, these steps cannot be interpreted as the beginning of a large-scale fight against torture in the Russian penitentiary system and cannot be equated with a message of zero tolerance of torture.

9. At least 98 cases of torture, including those resulting in victims' death, were documented by the media in the Russian penitentiary only between 2015 and 2020,<sup>9</sup> including torture of opposition activist Ildar Dadin in correctional colony (IK) no. 7 in the Republic of Karelia,<sup>10</sup> torture of Yevgeny Makarov in IK-1 Yaroslavl in 2018,<sup>11</sup> a series of torture in Omsk correctional colonies,<sup>12</sup> torture and rape of inmates in TB hospital in Saratov and IK-4 in Belgorod.<sup>13</sup>

10. Since 2018, human rights organisations have documented a large number of gross violations of prisoners' rights. Among these violations, ill-treatment and torture remain the most shocking and yet commonplace. The submitting organisations provide legal, informational, analytical, and psychological assistance to victims. Among the most vivid recent cases of torture are:

The "Yaroslavl Case", a multi-episode case of torture in Yaroslavl correctional colonies. Prisoners were subjected to corporal punishment (methodical beatings on the heels and other parts of the body), bullying, and "preventive" beatings upon arrival at the colony. The Public Verdict Foundation succeeded in obtaining the conviction of 22 prison officials.

The "Angarsk Case", concerning mass torture and abuse of inmates following a riot in Angarsk colony no. 15 (Irkutsk region) in April 2020. NGO Siberia Without Torture, provided legal assistance to the relatives of two inmates who died during or after the riot.<sup>14</sup> The Public Verdict Foundation, together with Siberia Without Torture, is providing assistance to two victims of torture: Mr Tahir Bakiyev and Mr Kezhik Ondar, who were subjected to torture incompatible with concepts of the limits of cruelty.

Mr Kezhik Ondar was placed remand prison no. 1 in Irkutsk after the riot. He was placed in one cells with "developers" – inmates to whom the prison administrations "delegate" the use of torture – who began beating him as soon as he entered the cell. After the beatings, they tied his hands behind his back and hung him from a rack by his hands so that his feet would not touch the floor. He was beaten with a stick on his heels, stomach, and back. They pushed a plastic bottle with frozen water, a stick, and a turned on water heater into his anus. They cut his genitals and attached electrical wires to them. The next day, five men raped him. Only a few days later, Kezhik Ondar was placed in the medical unit of IK-6. He underwent surgery at the city hospital. On 11 December 2020 a criminal case on torture

against Kezhik Ondar was opened. Prisoners who raped him were charged. During the investigation, another criminal case was initiated against officials of the Federal Penitentiary Service. The trial began in June 2022.

Mr Takhirjon (Anton) Bakiyev was placed in Irkutsk penal colony no. 6 in October 2020. He ended up in the illegally created “Unit no. 10” where the “developers” were held. After a conflict with inmates Bakiyev turned to prison staff for protection, but they returned him back to Unit no. 10 where he was beaten and raped with a broom handle. For more than two days Bakiyev was hidden under the bunk beds with torn internal organs. During the checks another inmate was called out on his name (which could not be done without the complicity of the colony staff).

After being found, Bakiyev was urgently taken to the regional hospital, and the colony staff (officers Yerokhin and Mednikov) were apprehended. In July 2022 a trial began against the head of the penal colony, Alexei Agapov, the deputy head of the operative department, Alexei Mednikov, and the operative of the department, Anton Yerokhin. They are accused of abuse of power with the use of violence and inflicting serious harm on Bakiyev. The six prisoners who participated in the torture were also charged under Article 132 § 2 (a) of the Criminal Code (violent acts of a sexual nature committed by a group of persons by prior conspiracy) and Article 111 § 2 (h) of the Criminal Code (intentional infliction of grievous harm to health).<sup>15</sup>

11. Cases of horrific torture in places of detention remain part of the functioning of the penitentiary service. The actions of the authorities to eradicate torture have so far been limited to occasional condemnatory statements, including by senior officials. But no practical measures have yet been taken. Among other things, there is no practice and no normative obligation for law enforcement agencies to immediately initiate criminal proceedings and ensure effective investigation of complaints of torture. Currently, the authorities do not take effective action to eradicate the practice of torture.<sup>16</sup>

### **Use of detainees to maintain internal order in penitentiary institutions**

12. The overseeing of internal order is often vested with convicts affiliated with prison administration, despite the dissolution of the so-called “order and discipline sections” (ODS) in January 2010.<sup>17</sup> The abolition of these sections in 2010 was met with universal approval. Despite this, this practice was not actually discontinued. The ban has not been accompanied by any active policy to eradicate these groups. On the contrary, the administration has continued to rely heavily on the ODS. Almost all vivid cases of torture in prisons in the recent years have involved detachments of prisoners working for the administration.<sup>18</sup> In 2021 the Public Council of the FSIN discussed an initiative to de facto formally reintroduce

of ODS as a special groups of “inmates-explainers”.<sup>19</sup>

13. The prison-entry stage is very often designed to determine the inclination of prisoners to serve the administration, usually under threat. The newly admitted prisoners are frequently ill-treated and intimidated, the most disobedient are often subjected to sexual torture<sup>20</sup> and put under the constant risk of being degraded to the “untouchable” caste,<sup>21</sup> the lowest position within the informal prison hierarchy, the “members” of which are reduced to a state of slaves working for other inmates.

14. Prisoners who torture and rape other prisoners are called “developers”. They act on the orders of operative units, and are, in fact, a part of the punitive system. Information about the “developers”, their role in the institutionalised practice of torture in the Russian prisons, and their patronage under the administration and operatives has been further revealed in connection with the recent scandals related to torture and rape in Russian prisons. As a result of their cooperation, the developers receive privileges that were not available to any of the prisoners.<sup>22</sup>

15. Similar situation exists in other types of penitentiary facilities, including prison hospitals.<sup>23</sup> Moreover, a number of cases demonstrate at least passive complicity of health personnel in the use of torture. Videos published on 6 October 2021 showed prisoners of the tuberculosis hospital in Saratov (OTB-1) raping their fellow inmates. The victims said they were raped by “activists” who had formally worked as care-assistants in the institution, extorting money from inmates. In the mass torture case in IK-15 Angarsk in April 2020, according to the prisoners’, the head of the medical unit of SIZO-6 did not respond to the allegations of torture and did not treat the injuries, while the victims were abused for having applied to the medical unit.<sup>24</sup>

### **Absence of independent medicine in prisons and the lack of proper recording of the cases of violence**

16. Another decisive factor of impunity is the subordination of the medical staff of prisons to the FSIN, which in practice results in the absence of recording of torture-related injuries and the systemic failure to alert the external authorities about the situation in the facilities.<sup>25</sup> The prison reform established a new separate medical chain of command within the penal system, but it did not erase the “informal subordination” of doctors to the prison administrations. This is further confirmed by the fact that “all heads of prison medical units, heads of departments in prison hospitals, chief physicians and employers of clinics are law-enforcement officers.”<sup>26</sup>

17. In particular, as a general rule, the administration of detention facilities, when suspects and accused persons are admitted with signs of torture and ill-treatment, record bodily injuries. Their duty at that point is to report any traces of violence to the prosecutor's office. However, the prosecutors' offices usually do not respond to such reports, fail to conduct inspections, and do not pass this information on to the investigating authorities. The inaction of the prosecutors encourages the use of torture by the police against suspects and defendants outside the walls of remand prisons.

18. Members of public monitoring commissions in various regions of Russia have often observed improper recording of injuries of inmates by medical personnel of places of detention (especially at night, when there are no doctors in the institutions). Another problem is that prisoners' medical records can be easily compromised, disappear or be altered. Such situations, in particular, are related to the fact that medical histories in colonies and investigative facilities are not recorded in an electronic database (as it is done in civilian health care institutions to eliminate the possibility of unauthorised changes to medical records). Moreover, lawyers and human rights defenders are unable to obtain prisoners' medical records in the event of their death.

### **Parliament's reluctance to criminalise torture**

19. The Russian Federation has not criminalised torture as a separate criminal offence.<sup>27</sup> Acts of torture or ill-treatment committed by public officials are prosecuted under Article 286 § 3 of the Criminal Code (abuse of power involving physical violence). According to the UN Committee against Torture, this provision "does not correspond to the seriousness of the crime of torture".<sup>28</sup> In addition, it prevents the collection of transparent and meaningful statistics on the prevalence of torture.

20. On 14 July 2022 amendments to the Criminal Code (its Articles 117, 286, and 302) were adopted.<sup>29</sup> They did not introduce a separate offence of torture, thus failing to address a lacune repeatedly emphasised by the CAT<sup>30</sup> and by the civil society.<sup>31</sup> The amendments supplemented the Articles of the Criminal Code on abuse of power (286) and coercion to testify (302) with paragraphs qualifying the use of torture as an aggravating circumstance.

21. While adhering in general to the notion of torture under Article 1 of the UN Convention, the new definition of torture fails to cover torture by a third party "at the instigation of" or "with the consent or acquiescence" of a public official, and does not include "ill-treatment". Neither the amendments allow to hold private individuals accountable for torture. Moreover, torture has remained subject to statute of limitations contrary to the international standards.<sup>32</sup>



## **Investigation of torture**

22. In 2018, the UN CAT urged the Russian Federation to “refrain from dismissing complaints of torture and ill-treatment during the pre-investigative verification phase and ensure that investigators immediately open a formal and effective criminal investigation for all allegations of torture and ill-treatment.”<sup>33</sup> However, these recommendations were not implemented.

23. At the pre-investigation stage the victims of torture and their representatives have limited opportunities to participate in the investigation (they are not allowed to study case-files, and can file only certain petitions and requests). Amendments to the Code of Criminal Procedure (the CCP) of 2014 extended the powers of investigators in the context of pre-investigative inquiries. But it is still only after the opening of a criminal case that all possible investigative measures can be implemented, and the victims can benefit from the full scope of their procedural rights. The result of the preliminary inquiries in cases of torture of prisoners most often used as a ground for investigator’s decisions to refuse to open criminal cases.<sup>34</sup>

24. An investigation becomes ineffective from the outset when some steps in the proceedings are not conducted promptly and as the result evidence is irrevocably lost. This is true especially of search and seizure of crime evidence, such as the records from the video surveillance cameras at a crime scene, or traces of injuries on a victim. In this regard, the authorities need to implement methodological guidelines containing an indicative list of the verification (investigative) activities to be taken without delay (initial interviewing of victims and witnesses, examination of crime scene, identification and seizure of crime evidence, a forensic examination of the victim, requests for the video surveillance cameras records). The guidelines should be based on Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“Istanbul Protocol”). The heads of investigative bodies should be required to oversee the implementation of all necessary proceedings by investigators and issue the relevant tasks and clarify the reasons for non-compliance of such tasks.

25. The lack of such guidelines leads to a systematic unlawful decision-making (refusals to open a criminal case, decisions to suspend or terminate the criminal case). In the great majority of cases, the unlawfulness of such decisions is related to the incompleteness of investigations, failure to implement all possible and necessary investigative measures. There is a practice of adopting unlawful and/or deliberately superficial procedural decisions, in order to formally avoid the expiry of the time-limits and in view of the lack of evidence. This

problem is aggravated by two major factors. First of all, it is connected with the inadequate procedural supervision, in particular, a delayed review and quashing of unjustified decisions. In most cases several months elapse from the delivery of an unlawful procedural decision and until the quashing of such decision by the heads of investigative body. Such revocations often happen only after a person concerned lodges a complaint with a public prosecutor's office or a court. Secondly, it is related to the absence of disciplinary proceedings against the officials of the Investigative Committee for the violation of the procedural law during the pre-trial proceedings.

26. The problem of ineffective investigation of the cases of torture is exacerbated by the lack of effective judicial review of the investigation. Under Article 125 of the Code of Criminal Procedure, victims are able to lodge complaints "against procedural actions, omission, or decisions which affect their constitutional rights and freedoms", including the decisions on refusal to open criminal case. Judges are competent to review the lawfulness of decisions in question without however being able to annul it. Rather, they order investigators to rectify the violations found and can issue an injunction obliging them to comply. Neither the courts are able to review decisions related to the collection of evidence and the formulation of charges, examine questions of fact, assess evidence, or characterise acts alleged in complaints. The judicial review of complaints is thus mainly formal in nature and does not ensure the right to timely and effective remedies during the pre-trial stage.

27. Statistical reports also suggest the ineffectiveness of judicial control over investigation. For instance, in 2019-2021 district courts reviewed around 110, complaints filed under Article 125 of the CCP annually, of which only 4.% were granted.<sup>35</sup> There is no official data on how many complaints and decisions related to the cases of torture, however, the unproportionally low number of granted complaints is striking.

### **Disciplinary measures in prisons**

28. A separate problem "investing" in the existence and strengthening of the practice of torture is the uncontrolled imposition of disciplinary measures inside prisons, namely, the placement of prisoners in strict isolation conditions (locked facilities, the so-called "punitive isolation cells" / disciplinary wards). Often, punitive isolation is used as a way to put pressure on those prisoners who have complained about torture or other human rights violations.

29. There are no legal or practical obstacles to arbitrary imposition of disciplinary measures, such as placement in a disciplinary ward. The procedure defined by law does not provide for guarantees of a fair trial (Article 117 of the Penitentiary Code of Russia). It is sufficient for the prison administration to formally record the slightest violation of internal

regulations (improper dress, the “wrong” manner in which an inmate greets a prison officer or names the article of the Criminal Code under which he or she is convicted) to obtain a formal pretext for disciplinary punishment of a prisoner. The punishment itself, the manner in which it is executed, often amount to torture in themselves.

Mr Alexander Kornev (convicted prisoner serving his sentence in Yaroslavl Region), who gave statements to a lawyer of the Public Verdict Foundation, was placed in a solitary confinement in a disciplinary ward (without the right to visits, phone calls, receiving parcels and books) immediately after he had been visited by the lawyer. The administration of the institution found that Kornev had violated the internal order (“did not hold his hands behind his back”) and sanctioned him with 15 days’ solitary confinement. After the expiry of this term, before Kornev returned to his living quarters, the disciplinary punishment was extended for another 15 days, without a hearing. The reason again was that Kornev “did not keep his hands behind his back.” Twenty-four hours before the second punishment expired, Kornev’s confinement in a disciplinary cell was again extended for 15 days, again for “not holding his hands behind his back.” In each case, the punishment was imposed immediately after Kornev’s meetings with his lawyer.

30. Internal disciplinary measures in correctional colonies and remand prisons are widely imposed for minor and non-violent breaches committed by prisoners.

Mr Aslan Cherkesov (the defendant of the Public Verdict Foundation) was regularly placed in a disciplinary cell for various terms for violating the Internal Regulations of penitentiary institutions (mostly, for refusing to exercise and to introduce himself to prison staff). The intervals between these penalties were extremely short (10-15 minutes, sometimes 25-40 minutes). His confinement in the punishment cell was thus continuous, totalling 600 days (from 15 February 2019 to 15 October 2020, with an interval of 8 days that he spent in the prison hospital).

31. The practice of placement in solitary confinement is standard and widespread. This measure is used as an arbitrary means of pressure on prisoners and applies to all inmates in Russian. Disciplinary punishment in colonies is comparable to an independent criminal sanction. It constitutes a prolonged solitary confinement, which is a cruel treatment in itself.<sup>36</sup> However, these punishments are by prison administration and not by the court. The procedure for imposing a disciplinary punishment in the form of placement in solitary confinement is not accompanied by basic procedural guarantees for the prisoner, and does not provide an opportunity for the prisoner to obtain any legal assistance.

## **Statistics and the lack of public information on torture cases**

32. Official statistics published by Russian authorities record the number of convictions under the criminal offence of “abuse of power” (Article 286 of the Criminal Code of the Russian Federation).<sup>37</sup> However, it contains data only about the number of criminal cases that ended in convictions, the penalties imposed, and the number of cases in which a custodial sentence was imposed.

33. There is no open data on what state bodies’ officials used torture, whether the crime was committed in complicity, where and under what circumstances torture was used, and other information relevant to the organisation of state measures against torture and its effective prevention. Neither there is open data on the number of criminal complaints of torture, the number of criminal cases opened into these allegations, as well as the number of cases in which the investigation has been completed. Given that the statistics do not differentiate convicted officials by which body they work or worked for, and given the complete lack of information on the number of complaints of torture, it is impossible to determine how many prison officials were convicted, much less to obtain information on the number of complaints of torture in penitentiary institutions.

34. In practice, statistical information is collected by the Investigative Committee of Russia, but is kept closed from public. Since 2015, the Investigative Committee has kept separate records under Article 286 § 3 of the Criminal Code, under which law enforcement officers (police, correctional colonies, remand prisons, etc.) are tried for torture. This statistic was provided only once. Subsequently, the Investigative Committee and the General Prosecutor’s Office refused to provide such information to the media and human rights organisations, claiming the lack of such statistics.

According to the Investigative Committee in 2015-2018 (more recent statistics are not publicly available), there were 6,468 complaints of torture from prisoners. As a result of these complaints 148 criminal cases were initiated, i.e. almost 44 times less than the number of complaints alleging violence in correctional facilities and remand prisons.<sup>38</sup>

It is remarkable that according to the statistics of the Investigative Committee, there are regions of Russia in which not a single criminal case was initiated in four years. These are Moscow, Republic of Karelia, Belgorod, Kaluga, Ryazan, Smolensk, Tambov, Tver, Tula, Vologda, Murmansk regions (with an average of 20 complaints of torture per year), Novgorod and Pskov regions (despite a surge of complaints in 2017 (31) and in 2018 (20)); Karachay-Cherkessia, Ingushetia, North Ossetia-Alania republics, Stavropol Krai, Chechen Republic, Altai Republic, Republic of Tyva, Altai Krai, Chukotka

Autonomous District, Crimea and Sevastopol, Astrakhan, Rostov, Ulyanovsk, Tyumen, Irkutsk, Novosibirsk, Omsk, Tomsk, Amur, Magadan, Sakhalin regions, Baikonur.

35. The refusal of the Government to provide statistics to civil society organisations constitutes a concealment of significant information from society and precludes public scrutiny and control. Torture is a highly latent crime, and it is usually committed in closed institutions. Because of the closure of information about torture by the authorities, torture remains invisible and isolated even after the perpetrators are convicted.

36. The lack of publicly available official data on the practice of torture in prisons increases the importance of information from human rights organisations defending prisoners – victims of torture.

### **Recommendations**

37. The submitting organisations respectfully ask the Human Rights Council and the UN Member States to take into consideration the information contained in the present submission and to recommend to the Government of Russia:

- To criminalise torture as a separate criminal offence, defined in compliance with the UN Convention against Torture, and not subject to statute of limitations;
- To give the firmest message of zero tolerance of torture, and to ensure that its perpetrators, including public officials, are criminally prosecuted and victims have access to proper redress and rehabilitation;
- To keep and publish statistics on the number of reports and complaints of torture, on the initiation and investigation of criminal cases of torture, on the number of convictions, as well as the information on bodies and agencies which use torture;
- To set as a standard, an immediate opening of criminal cases on the allegations of ill-treatment and torture in places of detention and to develop and implement methodological guidelines on investigation into allegations of torture and ill-treatment.
- To ensure effective judicial review of investigation by giving the courts power to issue binding decisions to remedy the shortcomings in the investigation and by enabling a comprehensive assessment of the effectiveness of investigation
- To place prison medical service under the authority of the Ministry of Health, and to ensure that medical examinations are confidential, and that they are recorded and conducted in accordance with the Istanbul Protocol in cases of allegations of torture;
- To introduce supervision over the imposition of internal disciplinary measures in prisons (such as solitary confinement), and to ensure that the procedure for the imposition of disciplinary sanctions is compliant with the fair trial standards and that it provides procedural

guarantees to prisoners, including the right of access to legal assistance.

Respectfully submitted,

Submitting organisations:

The Public Verdict Foundation – [info@publicverdict.org](mailto:info@publicverdict.org)

EPLN – contact person: Hugues de Suremain, Director of Advocacy and Litigation,  
[hugues.de-suremain@prisonlitigation.org](mailto:hugues.de-suremain@prisonlitigation.org)

---

<sup>1</sup> Report of the Working Group on the universal periodic review. Russian Federation. A/HRC/39/13, 12 June 2018, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/212/09/PDF/G1821209.pdf?OpenElement>

<sup>2</sup> All materials documenting prisoner abuse in Yaroslavl are available online at <https://yardelo.org/> - a dedicated resource provided by the Public Verdict Foundation.

<sup>3</sup> In Angarsk colony, inmates were beaten during a peaceful protest and were transferred to other facilities with dedicated “torture detachments” where they were severely beaten half to death and raped by prison staff and prison activists (see Yardelo, “Заключенные и охранники. Ангарский тюремный эксперимент” (Prisoners and guards. The Angarsk Prison Experiment) [in Russian], available at: <https://yardelo.org/2022/11/09/заключенные-и-охранники/>).

<sup>4</sup> In Saratov, the prison hospital administration forced the “watchmen” from among the inmates to record torture on video. Part of this material was published in October 2021 (Mediazona, Музыка в 8-м туботделении. Что известно о пытках в саратовской тюремной больнице, фотографии которых опубликовал Gulagu.net (Music in the 8th TB ward. What is known about torture in Saratov prison hospital, photos of which were published by Gulagu.net), 3 September 2021, available at: <https://zona.media/article/2021/09/03/otb-1>).

<sup>5</sup> Transcript of Vladimir Putin press-conference, 23 December 2021, available at: <http://kremlin.ru/events/president/news/67438>

<sup>6</sup> All materials documenting prisoner abuse in Yaroslavl are available online at <https://yardelo.org/> - a dedicated resource provided by the Public Verdict Foundation.

<sup>7</sup> Interfax, “В Генпрокуратуре отметили нежелание ФСИН решать проблему пыток” (The General Prosecutor's Office noted the unwillingness of the Federal Penitentiary Service to solve the problem of torture), 19 May 2022, available at: <https://www.interfax.ru/russia/841772>

<sup>8</sup> During his annual press conference, Putin answered a question about the reported facts of torture in the following way: “Torture in Russian colonies is a clear crime, and in assessing them, one must rely on the data of the investigation and an objective investigation” (Transcript of Vladimir Putin press-conference, 23 December 2021, available at: <http://kremlin.ru/events/president/news/67438>)

<sup>9</sup> Tochno.st, “Places of detention in Russia” [in Russian], available at: <https://tochno.st/problems/prisons>

<sup>10</sup> The Guardian, “Russian dissident Ildar Dadin accuses prison staff of torture”, 1 November 2016, available at: <https://www.theguardian.com/world/2016/nov/01/russian-dissident-ildar-dadin-accuses-prison-staff-torture-death-threat>

<sup>11</sup> Novaya Gazeta, “10 minutes in the classroom of educational work”, 20 July 2018, available at: <https://novayagazeta.ru/articles/2018/07/20/77222-10-minut-v-klasse-vospitatelnoy-raboty>

<sup>12</sup> Novaya Gazeta, “Breakdown. Omsk. If torture had categories of cruelty, the pre-trial detention facilities and colonies of the Siberian region would definitely compete for the all-Russian leadership”, 14 May 2018, available at: <https://novayagazeta.ru/articles/2018/05/13/76435-lomka-omsk>

<sup>13</sup> Novaya Gazeta, “Gulagu.net опубликовал новые видеозаписи пыток заключенных”, 6 October 2021, available at: <https://novayagazeta.ru/articles/2021/10/06/gulagu-net-opublikoval-novye-video-pytok-zakliuchennykh-news>

<sup>14</sup> Radio Free Europe / Radio Liberty, “After Deadly Prison Riot In Siberia, Officials Are Tight-Lipped As Families Seek Information On Survivors”, 14 May 2020, available at: <https://www.rferl.org/a/after-deadly-prison-riot-in-siberia-officials-are-tight-lipped-as-families-seek-information-on-survivors/30612480.html>

<sup>15</sup> For detailed information on Agarsk IK-15 riot and the ensuing mass torture of prisoners, see materials at: Yaroslavl Case [in Russian], available at: <https://yardelo.org/category/panopticon/>

<sup>16</sup> For more details, see: Communication from EPLN to the CCPR (136th Session (10 October – 4 November 2022) in relation to the eighth periodic report of the Russian Federation), available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FCSS%2FRUS%2F50031&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FCSS%2FRUS%2F50031&Lang=en)

Communication from EPLN to the CMCE in the case of Buntov v. Russia, 22 August 2022, available at: [https://hudoc.exec.coe.int/eng?i=DH-DD\(2022\)901E](https://hudoc.exec.coe.int/eng?i=DH-DD(2022)901E)

<sup>17</sup> Order of the Ministry of Justice of Russia of 31 December 2009 no. 440. This issue has been in particularly addressed by the European Court of Human Rights in the case of *Buntov v. Russia* (no. 27026/10, §§ 8-11, 18-19, 153, 5 June 2012).

<sup>18</sup> Novaya Gazeta, “Activists in the service of the FSIN. How collaborating inmates extort money and beat up other inmates”, 29 October 2017, available at: <https://novayagazeta.ru/articles/2017/10/29/74384-aktivisty-na-sluzhbe-fsin>

<sup>19</sup> Nezavisimaya Gazeta, “Правозащитники подозревают ФСИН в легализации "пресс-хат"” (Human rights activists suspect FSIN of legalizing “press cells”), 21 January 2021, available at: [https://www.ng.ru/politics/2021-01-21/1\\_8063\\_prison.html](https://www.ng.ru/politics/2021-01-21/1_8063_prison.html)

<sup>20</sup> Lenta.ru, “These are machines, not humans”, 8 October 2021, available at: <https://lenta.ru/articles/2021/10/08/pytki/>

<sup>21</sup> See the ECtHR communicated cases against Russia on this topic: *A.S.* (no. 45049/17); *A.T.* (no. 35817/13); *A.M.* (no. 78224/16); *S.Y.* (no. 41181/16); *D.* (no. 11235/13); *X.* (no. 36463/11).

<sup>22</sup> A former prisoner who participated in the beatings of inmates on the orders of the administration of the SIZO of the Irkutsk region, explained how he was recruited as a developer in an interview to Taiga.info: “they threw me [into a cell] with [other developers], they beat me constantly, they forced me to this [cooperation]... They forced me to do this, I refused somewhere, but I am gone, I am a physically undeveloped person, so I had no choice. [One of the developers] constantly waved his genitals, scoffed.” As a result of their cooperation, the developers receive privileges that are not available to any of the prisoners. “The operatives brought phones, drugs, alcohol to the developers. They ate like I had never eaten before. They drank whiskey, brandy. There were those who injected, smoked hashish. Plus, they were given long dates - a prisoner once every three months - and with him [the developer] almost every week. I know that the employees themselves called prostitutes and paid them for three days to pleasure those developers who do not have girls” (Taiga.Info “Encyclopedia of violence in the Irkutsk colonies and pre-trial detention centers”, available at: [https://tayga.info/enciklopediya\\_pytok](https://tayga.info/enciklopediya_pytok)).

<sup>23</sup> See individual submission of the Public Verdict Foundation to the UN Human Rights Council Working Group on the Universal Periodic Review, 4th UPR Cycle, 44th Session, within the framework of the Review of the Russian Federation.

<sup>24</sup> Novaya Gazeta. “Razrabotchiki” (Developers), 11 October 2021, available at: <https://novayagazeta.ru/articles/2021/10/11/razrabotchiki-18>

<sup>25</sup> See individual submission of the Public Verdict Foundation to the UN Human Rights Council Working Group on the Universal Periodic Review, 4th UPR Cycle, 44th Session, within the framework of the Review of the

---

Russian Federation. See also *Buntov*, ECtHR, op. cit., §§ 15, 160. See also, *Buntov*, ECtHR, op. cit., §§ 15, 160.

<sup>26</sup> Novaya Gazeta. “Razrabotchiki” (Developers), 11 October 2021, available at: <https://novayagazeta.ru/articles/2021/10/11/razrabotchiki-18>

<sup>27</sup> See, in this regard, joint submission by OVD-Info and other human rights NGOs to the UN Human Rights Council Working Group on the Universal Periodic Review, 4th UPR Cycle, 44th Session, within the framework of the Review of the Russian Federation.

<sup>28</sup> Committee against Torture, Concluding observations on the sixth periodic report of the Russian Federation, Adopted by the Committee at its sixty-fourth session (23 July-10 August 2018), § 8.

<sup>29</sup> Federal Law of 14 July 2022 No. 307-FZ, available at: <http://publication.pravo.gov.ru/Document/View/0001202207140059?index=4&rangeSize=1>

<sup>30</sup> Committee against Torture, Concluding observations on the sixth periodic report of the Russian Federation, Adopted by the Committee at its sixty-fourth session (23 July-10 August 2018).

<sup>31</sup> Civil Rights Defenders, Tortured to silence – Russia’s war against its’ own people, 23 June 2022, available at: <https://crd.org/2022/06/23/tortured-to-silence-russias-war-against-its-own-people/>

Statement by Russian human rights activists in connection with the draft law on torture submitted to the State Duma: <https://pytkam.net/zayavlenie-rossijskih-pravozashhitnikov-v-svyazi-s-vnesennym-v-gosudarstvennyu-dumu-zakonoproektom-o-pytkah/>

<sup>32</sup> See, e.g., paragraph 8 of the Concluding observations on the second periodic report of Japan, adopted by the Committee against torture at its fiftieth session (6-31 May 2013) (CAT/C/JPN/CO/2), 28 June 2013 // [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=CAT%2fC%2fJPN%2fCO%2f2&Lan%20g=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=CAT%2fC%2fJPN%2fCO%2f2&Lan%20g=en)

<sup>33</sup> CAT, Concluding observations on the sixth periodic report of the Russian Federation, 64<sup>th</sup> session (23 July-10 August 2018).

<sup>34</sup> See: The Public Verdict Foundation, “The practice of investigating and adjudicating cases of torture and ill-treatment: an analysis of cases handled by Russian human rights organizations”, 1 October 2009, available at: <https://publicverdict.org/topics/research/7506.html>

<sup>35</sup> Advokatskaya Gazeta, “В 2021 г. снизилось количество ходатайств о производстве обыска в отношении адвокатов” (In 2021 the number of motions to search attorneys decreased), 29 July 2022, available at: <https://www.advgazeta.ru/novosti/v-2021-g-snizilos-kolichestvo-khodataystv-o-proizvodstve-obyska-v-otnoshenii-advokatov/>

<sup>36</sup> ECtHR, *Razvyazkin v. Russia*, no. 13579/09, §§ 102-112, 3 July 2012 (available at: <https://hudoc.echr.coe.int/eng/?i=001-111837>). See also, 21st General Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (CPT/Inf (2011) 28), §§ 53-63, available at: <https://rm.coe.int/1680696a88>

<sup>37</sup> Supreme Court of the Russian Federation. Statistics [in Russian], available at: <https://www.supcourt.ru/documents/statistics/?year=2022>

<sup>38</sup> For details on statistics on criminal complaints about torture, see: The Public Verdict Foundation. Как устроена статистика, и почему нам неизвестен масштаб пыток (How statistics work, and why we don’t know the extent of torture) [in Russian], available at: <https://police-barometer.ru/statistics-committee>