

The submission of Civic Assistance, Citizens Watch, and Public Verdict Foundation to the UN Committee Against Torture to inform its adoption of a list of issues prior to reporting for the 7th periodic review of the Russian Federation.

Legal safeguards (CAT/C/ EN/CO/ 6, para 11)

1. The detention of more than 11,000 people during the peaceful protests in January-February 2021 highlighted a number of problems with the fundamental legal safeguards afforded to detainees:
 - in a vast majority of cases, the detainees' lawyers were denied prompt access to their clients at the police stations. The authorities announced the so-called "Plan Fortress" – an emergency protocol designed to counter terrorist threats but used to lock down police stations and deny access to anyone from the outside;
 - detainees had their phones confiscated and were denied the right to make a phone call;
 - detainees sentenced to administrative arrest by courts were barred from promptly appealing against these sanctions. Referring to COVID-19 restrictions, many courts refused to accept complaints against administrative arrest which the detainee's representatives attempted to file directly with the court's secretary but required instead that such complaints should be sent in the mail. As a result, courts often received and considered such complaints after the detainee has already served his or her arrest sentence.
2. Many detainees were denied necessary medical assistance; in a number of cases, ambulances, when called, refused to go to police stations.
3. Moreover, persons detained on administrative charges are not entitled to a mandatory medical examination at the police station. This means that detainees held at the police station for periods of up to 48 hours awaiting trial are effectively denied an opportunity to have their injuries documented by a healthcare worker. In *PASTUKHOV v. RUSSIA*, Application no.74820/14, the Court held that this delay renders the State's response to torture ineffective, since an official investigation is incapable of determining the exact time when the applicant sustained the injuries and thus cannot exclude with certainty the possibility that the injuries were sustained in the police custody.
4. **We invite the Committee to ask the Russian Federation the following questions:**
 - **What measures have been taken to hold accountable the police officers responsible for denying the fundamental legal safeguards to detainees, are there any statistics available on such cases, and what measures are being taken to prevent similar violations in the future?**
 - **What measures are being taken to introduce the requirement that persons detained on administrative charges must promptly receive a medical examination?**

Investigations into police brutality during apprehensions and excessive use of force against peaceful protesters (paras 15 and 19)

5. Dozens of cases have been reported of excessive use of force by law enforcement officials during apprehensions and use of torture against detainees in police stations. However, despite numerous crime reports filed by defenders and human rights NGOs, as well as the availability of video evidence, there has not been a single criminal investigation initiated into such reports. Moreover, it is known from at least two years of experience (since the 2019 protests) that the Investigative Committee does not register these complaints as crime reports but handles them as ordinary appeals. Changing the status of a potential crime report to that of an ordinary appeal enables the authorities to avoid launching a criminal investigation, thus denying the victims access to justice, both domestically and before the ECtHR, due to inability to exhaust domestic remedies.
6. **We invite the Committee to ask the Russian Federation the following questions:**
 - **What measures are being taken to prevent excessive use of force by law enforcement officers during peaceful protests?**
 - **What steps are being taken to investigate all allegations of excessive use of force and to hold accountable both the perpetrators and those officials who failed to investigate such cases properly and promptly?**

Investigation into the case of Yevgeny Makarov (para 17)

7. In February 2021, the Public Verdict Foundation updated the Committee on the situation with the case investigation and trial. As of this writing, a domestic court has considered appeals filed by Makarov's lawyer Irina Biryukova and prosecutorial submissions, both challenging the leniency of the sentence and the acquittal of the prison colony's senior officials. The court upheld the verdict on appeal. Makarov's lawyer will continue to appeal in cassation. In addition, in February 2021, Novaya Gazeta and the Public Verdict Foundation published new videos of torture in Yaroslavl Colony No. 1, dating back to approximately the same period (2016-2017) and providing more arguments for holding the prison colony's senior officials accountable for the ongoing torture of prisoners following the same pattern.
8. **We invite the Committee to ask the Russian Federation the following questions:**
 - **What steps is the State taking to prevent such incidents and to improve the effectiveness of investigations against officials who approve, condone or otherwise sanction torture, including the senior officials of prison colonies?**
 - **Are there plans to explicitly criminalize torture as an official crime and to include the facilitation or acquiescence of torture and failure to intervene to prevent torture in the definition of this offence?**

Non-refoulement (para 43)

9. Despite the Committee's repeated observations concerning the use of administrative expulsion for minor violations of immigration rules (Concluding observations on Russia's fourth, fifth and sixth periodic reports) and guidance that Russia "should further clarify the violations of immigration rules which may result in administrative expulsion and establish clear procedures to ensure they are implemented fairly," the problem persists. No steps have been taken or implemented in practice.
10. In previous years, Russia used to release foreigners from custody in compliance with interim measures indicated by the ECtHR in extradition and expulsion cases pending the Court's final judgment (Rule 39 of the Rules of Court), but the practice has since changed, and today foreigners do not get extradited but are nevertheless held in custody awaiting the Court's judgment which may take a few years. The conditions of detention in deportation centres are even worse than those in prison; indeed, many people cannot tolerate lengthy deprivation of liberty in such conditions and agree for the interim measures to be lifted and end up being sent to a country where their lives are in danger.
11. **We invite the Committee to ask the Russian Federation the following questions:**
 - **Why is there a need for prolonged detention of foreigners in deportation centres pending the Court's final judgment?**
 - **What steps are being taken to improve the conditions of detention in these centres?**

Monitoring of places of deprivation of liberty (para 23).

12. Upon the order of the President, a bill on financing of the POCs from the budgets of regional civic chambers, is being developed.[1] It is reported that more profound changes are being planned concerning e.g. the procedure of appointment, early termination of powers of members of POCs. In the light of recent cases of (attempts) of early termination of duties of members of POCs Marina Litvinovich and Olimpiada Usanova for their professional activities, it is likely that proposed changes might further undermine independence of the POCs.
13. In 2020 members of POCs were denied access to places of detention as a measure of precaution against the spread of the COVID-19. On January 31 and February 2, 2021 members of the POC were denied access to the places of detention during the actions in support of Alexey Navalny.[2]
14. **We invite the Committee to ask the Russian Federation the following questions:**
 - **What guarantees of independence the draft law includes and whether it includes the obligation of the state bodies to respond to the recommendations made by the commissions and their findings?**
 - **whether police officials have received particular instruction to deny members of POCs the access to detainees?**

Conditions of detention (para 38).

15. Elena Shakhova, a member of the POC of Saint-Petersburg, reports that every detainee with HIV complains that she/he experiences difficulties in obtaining antiretroviral therapy and access to a doctor. More generally, detainees often complain about the lack of adequate medical care.
16. No proper medical examination or documentation of torture has taken place in any of the cases of torture in places of deprivation of liberty – such as police stations, prison colonies and pre-trial detention centres – in which the victims are being assisted by human rights organisations.
17. **We invite the Committee to ask the Russian Federation the following questions:**
 - **What measures are taken to ensure access to medical care, in particular, to antiretroviral therapy and what is done to ensure adequate number of medical staff in the closed institutions.**
 - **What further measures are adopted to ensure the independence of prison medical service and medical staff from penitentiary administrations?**
 - **What measures are adopted to secure the proper medical examination and documentation of torture cases in closed institutions?**

Human rights defenders and journalists (para 29)

18. On July 19, 2018 the NGOs, included in the list of foreign agents, were prohibited to nominate candidates for POCs.[3] This law is applied disregarding principles on proportionality and necessity of limitation of the right to association and constitutes discrimination. In 2019 NGOs “Citizens Watch” and “Man and Law” (both NGOs were prior included in the list of foreign agents) nominated candidates for members of POCs but the Civic Chamber of the RF denied to register these candidates. Both NGOs appealed the decisions of the Civic Chamber to courts and both applications were denied, the appeal complaints were also denied[4]. “Citizens Watch” in March 2021 filed a cassation complaint.
19. At the end of 2020 the package of more than 10 draft laws were submitted to the State Duma. Most of them have been already adopted and came into force, few more are still under consideration. These laws will lead to a significant increase in total government control over Russian society and a growth in persecution for dissent. See more details at the Urgent Appeal to the Council of Europe of Human Rights Organisations [rg Recent Repressive Laws and Draft Laws](#) [5].

[1] List of instructions following the outcome of the December 10, 2020 meeting of the Council on the Development of Civil Society and Human Rights. URL:

<http://www.kremlin.ru/acts/assignments/orders/64952#assignment-6>.

[2] URL: <https://www.kommersant.ru/doc/4671629>;

[3] Federal law from July 19, 2018 No. 203-FZ.

[4] Court case 2a-104/2020 in Tverskoy district court of Moscow. URL.: <https://mos-gorsud.ru/rs/tverskoj/services/cases/kas/details/7e6d5b90-46d2-42f3-8085-20a79691af63?participants=%D0%B3%D1%80%D0%B0%D0%B6%D0%B4%D0%B0%D0%BD%D1%81%D0%BA%D0%B8%D0%B9+%D0%BA%D0%BE%D0%BD%D1%82%D0%BE%D0%BB%D1%8C> ;

Court case 2a-198/2020 in Tverskoy district court of Moscow. URL.: <https://mos-gorsud.ru/rs/tverskoj/services/cases/kas/details/4408dc48-93bc-4718-9f55-f51d7b994a75?formType=shortForm&caseNumber=&participant=%D1%87%D0%B5%D0%BB%D0%BE%D0%B2%D0%B5%D0%BA+%D0%B8+%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD&uid=&year=&caseDateFrom=&caseDateTo=&caseFinalDateFrom=&caseFinalDateTo=&caseLegalForceDateFrom=&caseLegalForceDateTo=&category=&judge=&publishingState=&baseDecision=&hearingRangeDateFrom=&hearingRangeDateTo=&sessionRoom=&sessionRangeTimeFrom=&sessionRangeTimeTo=&sessionType=&docsDateFrom=&docsDateTo=&documentStatus=&documentType=>.

[5] <https://www.myverdict.org/popdefence/appeal-to-ce-repressive-laws/>