



2018

Committee Against Torture

Dear Readers,

In this report you will find the yearly results of Interregional NGO “Committee Against Torture” in **2018**.

Due to the efforts of our staff, in the reporting period:

- **147** complaints about tortures and ill-treatment were checked;
- **15** criminal proceedings were initiated in connection with human rights violations;
- **5** criminal proceedings in connection with human rights violations reached the court;
- **4** law enforcers were convicted for human rights violations;
- More than **five million** and five hundred thousand rubles were awarded to victims of unlawful state agents’ actions;
- **14** applications were lodged with the European Court of Human Rights;
- **46** decisions of the Investigating Committee were found unlawful and annulled;
- **125** victims of tortures and their relatives underwent rehabilitation which cost around two million rubles in total.



complaints about tortures and ill-treatment

Year after year the number of applications submitted to our organization remains on the same level. And, unfortunately, this number is quite high. These are just a few complaints filed to the Committee Against Torture in 2018 demonstrating that anyone can become a victim of ill-treatment by law enforcers.

A citizen from the Moscow region complained of the battery by the police officers for the telephone call to doctors

In his application to human rights defenders Fakhridin Tagoymurodov reported that on 23 April 2018 he was walking down the street in Dzerzhinsky town, planning to go to Moscow. A police service vehicle stopped near him. Law-enforcement officers went out of the car and demanded that he went with them.

“You go with us!” – that’s what the police officers answered to all Fakhridin’s questions on whether they had any issues with him.

According to Tagoymurodov, intending to record the actions of the police he took out the mobile phone and wanted to start recording, but one of the law-enforcement officers seized the phone from his hand and slapped him in the face. After that Tagoymurodov was taken to the Dzerzhinsky police department of the Ministry of the Interior of Russia “Lyuberetskoye”.

According to the applicant, at the police department the same police officer hit him in the solar plexus.

“Despite the fact that I was in pain, the police officers refused to call doctors to me, told me stop “moaning like a woman”, they also made some insulting remarks of racial discrimination nature, – Tagoymurodov recalls. – After I managed to call the ambulance on my own, and when it was on the way, the police officers beat me up once again. This time they used both hands and feet”.

The ambulance medics delivered Fakhridin to the first aid station. After the examination he was diagnosed with a chest contusion.

“On the next day the detainee was released from police, – lawyer with the Committee Against Torture Petr Khromov comments. – What is most interesting was that I was released without any claims whatsoever or any documents on detention having been drawn up. At least, Fakhridin did not see a single document and never put his signature anywhere”.

On 11 May 2018 lawyers with the Committee Against Torture applied with a crime report to the investigative department for Lyubertsy of the Chief Investigative Directorate of the Investigative Committee of the Russian Federation for the Moscow region.



Former suspects of the murder of the Orenburg entrepreneur and his son complained of torture

Two citizens of the Orenburg region, Mushfig Shykhaliyev and Ramin Shakhmarov, claim to have been tortured by law-enforcement officers on 7 and 8 March of this year, when being forced to confess of high-profile crime –murder of the Orenburg entrepreneur and his little son. According to Shykhaliyev, he was forced to confess of committing this crime, however, later on the suspicions were lifted from both men, and they were released from the Pre-trial Detention Facility, since they had an indisputable alibi.

On 5 June 2018, human rights defenders submitted a crime report to the Investigative Committee. On the next day already, Mushfig Shykhaliyev and Ramin Shakhmarov were questioned by the investigator in the framework of the pre-investigation check. Lawyers with the Committee Against Torture also commenced conducting public investigation.

“This story should be thoroughly checked both by us and by the Investigative Committee, however, even now a number of justified questions arises, the main of which amounts to the following: how it came about that two out of three arrested persons first, allegedly voluntarily, confess of committing a grave crime, and then it turns out that they have an alibi and not involved, – lawyer with the Committee Against Torture Timur Rakhmatulin says. – We already started our own public investigation, in the course of which we will try to gather maximum of information; we also will represent Mushfig Shykhaliyev and Ramin Shakhmarov’s interests in the course of pre-investigative check”.

Human rights defenders started investigating the death of a man at the Tuapse police department

Larisa Azarova from Tuapse applied to the Committee Against Torture for legal assistance. In her application she asked to perform public investigation of the fact of the death of his grandson Sergey Rozhkov on 6 April at the local police department.

From explanations of Larisa Azarova it follows that with regard to Rozhkov the investigative committee investigated a criminal case on the attempt of rape and that he was under travel restrictions. According to Azarova, the neighbor defamed her grandson due to conflict relationships between them. When in January 2018 the investigator decided to change the pre-trial restrictions from travel restrictions to taking into custody, Azarova insisted that the grandson left. He moved to Abkhazia, where he lived in a monastery.



In April Sergey Rozhkov was apprehended by law-enforcement bodies of Abkhazia and handed over to Russian authorities. In the night from 5 to 6 April Rozhkov was delivered to the Tuapse police department. A Cossack from the local Cossack community was assigned to guard Rozhkov. According to the guard, at about 4 a.m. when he took Sergey out to a toilet, he complained of feeling unwell and fell on the ground. The ambulance team which arrived at the scene established the fact of the death of Sergey.

“According to the relatives of the deceased, Sergey never complained of heart problems, for the last several years he had an active and mobile mode of life, was living in a woody mountainous area, and maintained his own homesteading, bred chicken, goats and fish. That is why they doubted the official version of the events”, – lawyer with the Committee Against Torture Roman Veretennikov comments.

The Investigative Committee conducted a check based on the fact of Rozhkov’s death, and, on 16 April of this year, refused to initiate criminal proceedings due to absence of a criminal act.

“We consider this “refusal” to be illegal and ungrounded, – Roman Veretennikov emphasizes. – The investigator who conducted the check based on the fact of death did not explain how Rozhkov developed his bodily injuries. He did not request or seized the records of video surveillance cameras, did not question the detained who were kept in the same cell with Rozhkov. We will be appealing against this ruling of the investigator and insisting on conducting efficient check of the circumstances of Sergey Rozhkov’s death”.

Former head of Makhachkala customs office accuses investigators of torture

Askandar Bilalov applied to human rights defenders for legal assistance. He reported that in the period from 4 to 12 September 2016 he was subjected to violence by law-enforcement officers. According to Askandar, on 29 August 2016 he was apprehended in Makhachkala by investigator of Chief Investigative Directorate of the Investigative Committee of the Russian Federation for North Caucasian Federal District on suspicion of being involved in a criminal association with the use of his job and having failed to pay customs duties in especially big amount.

On the same day, Bilalov was taken first to Temporary Detention Cell of the Police Department for the Predgorny District of the Stavropol Territory, and then he was transferred to another detention facility – of the Police Department for the Kochubeevsky District of the Stavropol Territory, where he stayed till 12 September 2016. Bilalov told that on the way from one detention cell to another he was beaten up by officers in civilian clothes who were escorting him.



“On 4 September unknown people, having put a bag on my head and attached it to my head with a scotch tape, took me out of the Temporary Detention Cell of the Police Department for the Predgorny District out to the field, where they started to beat me up, hitting me at various parts of my body, and then they started to threaten me with execution if I did not confess of illegal documentation of vehicles”, – Askandar Bilalov describes. – After that I was taken to the Police Department for the Kochubeevsky District of the Stavropol Territory, where two musclemen awaited for me, who broke my finger and threatened me with violence if I did not write full confession and did not confess to the investigator of being involved in a criminal association and illegal documentation of vehicles”.

Investigators of the Third Department for Major Cases Investigation of Chief Investigative Department of the Investigative Committee of the Russian Federation for the North Caucasian Federal District commenced checking Bilalov’s torture complaint, and by the present time they have already issued fifteen refusals to initiate criminal proceedings, fourteen of them were declared illegal and quashed.

“There are a lot of contradictions in the check. The investigators refer to the documents which fit the version they chose that no one beat Bilalov up or tortured, and other data is simply ignored, as if there is none. For example, a cleaning lady of the Kochubeevskaya hospital informed the investigation that she saw some people who were taking a man in a bag on his head to the doctors. The investigator does not provide any evaluation of this evidence. The doctors of this hospital tell the investigator one thing and they write a different thing in their documents. We pointed at all these contradictions to the court of the first instance, as well as to necessity of performing additional checking activities to rectify them. To all these arguments the Essentuksky Court answered very shortly that the investigator knows himself which activities he should be taking and which – not”, – Magomed Alamov comments.

A citizen from the Orenburg region complained of the battery by the Counter-Extremism Center

On 28 September of this year Vladimir Klopov from Orsk of the Orenburg region applied to the Committee Against Torture for legal help. In his explanation to human rights defenders he reported that on 24 September he was attacked by two men in civilian clothes near his house door, they shouted “Freeze! Police!”. Vladimir claims that the police officers, without any explanations, brought him down on the porch and hit his head and body several times with knees, after that they brought him in the car and delivered him to the building where the Interdistrict Department of the Counter-Extremism Center of the Department of the Ministry of the Interior of Russia for the Orenburg region is located.

According to Klopov, at the Center “E” the police officers demanded that he confessed of distributing extremist materials in social networks: “I told them that, firstly, I did not distribute anything like that, and secondly, I deleted all my accounts in social networks over a year ago. Then the police officers started to tell me that I was “living improperly” ... I don’t know why they think that, probably, because of my active public stance. During this preachment one of the police officers was hitting my neck and head with a sharp of his hand”.

In the evening of the same day, Vladimir Klopov applied for medical assistance to the first aid station of City Hospital No.2. The doctors diagnosed him with the following bodily injuries: “Contusions, bruises of upper limbs and head”.

On 5 October, lawyers with the Committee Against Torture submitted a crime report in the interests of Vladimir Klopov to the Investigative Department for Orsk of the Investigative Committee of the Russian Federation for the Orenburg region.

“We initiated our own public investigation, in the framework of which we already questioned several people, who confirmed that before Vladimir’s contact with police officers, he did not have any bodily injuries and health complaints, – lawyer with the Committee Against Torture Denis Iskhakov says. – We also intend to file a number of motions to the investigator on conducting specific checking activities necessary for establishing the full picture of what happened and passing a lawful ruling”.

A resident of the Krasnoyarsk Kray complains of tortures at the Tuapse Police Department

On 19 November 2018 a resident of Indyuk village, Tuapse district, Evgeniy Bunin applied to the Committee Against Torture for help. He said that on 12 November he was summoned to the police department located in Mira Street for an interview. There, in one of the criminal investigation department rooms, an operational police agent handcuffed him and demanded to confess to stealing a mobile phone.

– I said I was not involved. Then the police officer started beating and slapping me on the head both with fists and palms. He pulled the hood of my jacket over my head and after a few blows I felt blood running from my nose and forming a pool on the floor, – Bunin recalls.

According to Evgeniy, the police officer who heavily smelled of alcohol threatened that the beatings would last all night and he finally would be arrested as suspect.

– Fearing for my health I wrote the required confession exactly as told by another criminal investigation agent, – said Bunin.

At the police station he was offered vodka, then law enforcers drove him home, on the way he continued taking alcohol with the policeman who has beaten him.

The following morning Bunin called in an ambulance which took him to the 1st district hospital of Tuapse. There Evgeniy was diagnosed with a closed brain injury, bruising of the soft tissues in the periorbital region, contusion of soft tissues of the occipital region.

On the same day, November 13, Evgeniy’s sister complained to the Investigating Committee. According to the victim, almost at once a forensic medical expert arrived to the hospital to examine him and document his injuries.



**criminal cases initiated in connection
with alleged human rights violations**

The Investigating Committee very rarely opens criminal proceedings against law enforcers in connection with tortures of its own accord. As a rule, this only happens when victims have serious injuries which can hardly be explained as “falling from a standing position” and when there is iron cast evidence, for example, a video footage of ill-treatment. Otherwise victims have appealed against numerous unlawful refusals to open a criminal case which sometimes takes months and even years.

Criminal case is opened based on the fact of tortures of a citizen from Ingushetia

In December 2017 Aza Khamkhoeva from Yandare settlement in Ingushetia applied to the Committee Against Torture. She reported that on 14 November 2017 at about 3 p.m. several masked people in black and camouflage uniform, armed with automatic rifles, stormed the apartment where she lived. Three persons in civilian clothes armed with pistols accompanied them. According to Aza, unidentified masked people captured her son Albert Khamkhoev, tied his hands up, and made him stand against the wall and put a pistol in his hand, after that they put the pistol in this belt.

“After that they brought Albert to the yard and again made him stand against the wall, took out the magazine from the pistol (where two cartridges were left) and made him lay on the ground. They put these actions on record in the presence of two attesting witness, who came together with the armed masked men. Then the masked people together with the people in civilian clothes performed a search of our household. The search itself lasted for about two hours. Nothing illegal was found, and it made an impression that this was done in order to compliance with formalities”, – Aza Khamkhoeva described.

Further developments were described by Albert Khamkhoev to defense lawyer Aleksandr Karavaev, provided by the Committee Against Torture: “I was put into Priora; there were five men inside together with me. Right away they put a black plastic bag on me, braided it with Scotch tape and were beating him up all the way non-stop without explaining the reasons, poked a barrel of a machine gun at him. After that I was taken to some building (as I was, in a plastic bag and handcuffed). They brought me to the second floor, put me on my knees and continued to beat me up. They were beating me up with a plastic bottle filled with water. Then they put some pins on my fingers and started to electrocute me so that I passed out a couple of times. They took the wires off my fingers, attached them in the area of the earlap, and electrocuted me again”.



According to Albert, after the tortures he was taken out of the building and one of the law-enforcement officers told him that they were in the Center for counteraction of extremist activity of the Republic of Ingushetia. Albert also explained to the defense lawyer that the firearm that was seized from him was received from illegal armed groups.

A criminal case was initiated with regard to Albert Khamkhoev under part 1 Article 222 of the Criminal Code of Russia (“illegal purchase, transfer, sales, weapons transportation or bearing, or its main parts, as well as ammunition”). On 16 November 2017 he was taken in custody for two months.

“On 17 November at about eight in the evening he was taken from Temporary Detention Facility to the FSB building in Magas. In that building I was again tortured with electricity”, – Albert Khamkhoev comments.

On 21 November human-rights ombudsman of the Republic of Ingushetia Djambulat Ozdoev visited Albert at the Pre-Trial Detention Center of Karabulak. The ombudsman confirmed that he saw numerous signs of physical violence on Khamkhoev’s body.

Due to Albert’s complaint about torture and forgery of evidence, on 20 November the Investigative Committee started a pre-trial check. In the course of conducting medical forensic examination medics found numerous bruises on Khamkhoev: in occipital region, on the chest, in the abdominal region, right and left shoulder, thighs, as well as in the area of the right knee joint and a lower leg. Khamkhoev’s body also featured bruises in the area of the right and the left forearms.

On 20 December, based on the results of pre-trial check, the ruling on dismissal of initiating the criminal case was passed; however, the material of the torture complaint check was severed and additional check was conducted with regard to it.

On 22 January 2018 investigator of the Nazran Interdistrict Investigative Department of the Investigative Committee of Russia for the Republic of Ingushetia Gandaloev passed a ruling on initiating a criminal case based on the crime under item “a” Part 3 Article 286 of the Criminal Code of Russia (“abuse of office with the use of violence”).

A criminal case is opened in Bashkiria based on the fact of tortures

According to eighteen-year old Kirill Tiunov from Blagoveschensk, on 23 July of last year several police officers beat him up and tortured him at the local police department, and after that a group of young people beat him senseless in the street. The criminal case is so far opened only with regard to the fact of abuse of office by the police officers.

According to Kirill, on 22 July of last year he was celebrating his birthday with his family and friends. Late in the evening he and his friends went for a walk around Blagoveschensk. In one of the backyards he approached a company of people who were drinking alcoholic drinks at a children's playground.

– This group consisted of a man and several women with children. I asked a man for a cigarette, but he refused in a blunt manner. My friend started to argue with him just about faster than I responded, – Tiunov recalls.

After that, according to Kirill, a brawl started, in which women took part, too.

Having left the incident site, Kirill and his friend went running in the direction of their homes. On their way, they were apprehended by the Patrol Guard Service officers and taken to the Ministry of the Interior Department for the Blagoveschensky District. Prior to that the police officers had taken the young people to the children's playground, where they were identified by one of the women who took part in a brawl.

According to Kirill, at first two police officers kicked him in the corridor of the police department, then the execution continued in the training class: "A police officer approached me, ordered me to stand up, hit me in the face and said that I beat up his relative. Then he smashed my face again and pulled me to the dustbin, holding me by my neck. He pressed my head to the dustbin several times, saying "I'll have you raped by the off-limits".

According to Tiunov, in parallel with the battery, the police officers were torturing him with an electric shock device; as a result they forced him to sign explanations where he confessed of beating up a woman and a child at the children's playground.



According to Kirill, he left the police department at about 5 a.m.: “Several guys were standing Nearby, I recognized many of them, and I knew their names. They approached me and I told them I was beaten up at the police department. One of the guys suggested we go a little bit further, and we stopped in ten steps distance from the police department building. Without saying a word, they started to hit and kick me, knocked me down on the ground and continued to kick me all over. In a few moments, I passed out”.

In some time, a local police officer picked Kirill up. He brought Tiunov to the police department, but released him after some time. Kirill does not remember the details of that encounter very vividly, since he finally came to his senses only in the evening, in hospital.

According to the expert’s conclusion, Kirill Tiunov had numerous traumas and bodily injuries: closed craniocerebral injury, brain concussion, bruises and hematomas of the face, chest, limbs, back and lumbar region.

On 25 July 2017, Kirill’s mother applied to the Investigative Committee with a crime report. On 17 January of this year, investigator of the Birsky Interdistrict Investigative Department of the Investigative Committee of the Russian Federation for the Republic of Bashkortostan Dmitry Nikiforov initiated criminal proceedings based on the elements of crime under item “a” of part 3 Article 286 of the Criminal Code of the Russian Federation (“abuse of office using violence”).

Criminal case into abuse of office is opened in Krasnodar

On 30 May 2017, Aram Gambaryan applied to the Krasnodar branch of the Committee Against Torture for legal assistance. He reported that on 21 March of this year at about 10 a.m. his car was blocked in the busy street by two other vehicles, out of which several armed masked men rushed out shouting “FSB is working!”, grabbed him out of his car, handcuffed him and put him in their mini-van.

– In the mini-van they put a knitted cap or a bag on my head and started to beat me up all over. In response to my questions on who are they and what they want these people answered that they were FSB and Moscow Criminal Police officers, – Aram remembered.



According to Mr. Gambaryan, in about fifty minutes he was taken to the woods where the battery continued: “I was thrown on my back and they started to kick at all the parts of my body, specifically targeting the area of thighs and knees, as well as the right shoulder. They took my pants and underwear off me. A man sat on my chest and started to question me. He was very heavy and I had troubles to breath under his weight. Besides, they were continuously pouring water on my face, which made me gasp and gave trouble speaking”.

According to Aram, he was also beaten up by electric shocker in the genital area, armpits, under his jaw, he was threatened with murder – they even threw him in the pit and started to put soil over him; several times they brought the gun to his temple and pulled the trigger, after that they shot at his ear. According to his feeling, tortures lasted for about six hours – all this time the torturers demanded that he confessed of an attempt of murder of a local entrepreneur.

Aram explained to human rights defenders that after the tortures he was taken to the Investigative Committee, where he was forced to sign the record of interrogation with the “required” explanations, which he agreed to provide to his torturers in the woods.

For twelve months the investigators have eight times refused to initiate criminal proceedings based on Gambaryan’s torture complaint. For a long time the investigators have been giving preference to the version of the police officers, according to which in the morning of 21 March Aram was not abducted, but, as per order of the investigator of the Investigative Committee, was located and taken to him for questioning as a witness. At the Investigative Department, for some reason, Gambaryan spent the whole day till evening, after that he was examined for bodily injuries (also for some strange reason) with participation of a forensic medical expert, no injuries were found. Then the investigator questioned Gambaryan in the capacity of a witness and let him go. In the morning of the next day Aram was walking in the street, violating the public order, and was apprehended by the police officers.

On 10 April investigator Vladimir Sorokin opened a criminal case into elements of crime under item “a” of Part 3 of Article 286 of the Criminal Code of the Russian Federation (“abuse of office using violence”).

A criminal case is opened with regard to the police officer who threatened to plant drugs

A criminal case is opened with regard to Head of the Criminal Investigations of the Vetluga Police Department of the Nizhny Novgorod region Anton Merlugov. He is suspected of having threatened to local citizen Ivan Belov with forging a criminal case against him for storage of drugs. As we have previously reported, Belov complained that he was beaten up during apprehension by this police officer, and a criminal case was also opened with regard to this fact.



Pavel Yakushev and Ivan Belov from Vetluga claim to have been beaten up by the police officers during apprehension in April 2017, and, in addition, physical violence was applied against Yakushev at the Vetluga Police Department. According to Yakushev, after he was taken to the criminal investigations room, one of the police officers broke his mobile phone and then started to beat Pavel up. Yakushev claims that during his beating materials at hand were used – he was hit by the panel of the desk drawer, as well as with the electrical heater.

According to the expert's conclusion, numerous bodily injuries were registered on Yakushev: two injuries in the parieto-occipital region on the left and in parietal region, a bruise and an extravasation of suprascapular area on the left, extravasations of the iliac region on the left, injury of the third finger of the left hand, injury of the right hand, abrasion of the left knee joint, hemorrhaging under the nail bed and into the soft tissues of the nail bone of the first finger of the right hand.

Ivan Belov was registered with a hematoma and a swell of the soft tissues in the eyelid area, a hematoma in the region of the earflap, a hematoma and a bruise in the area of the back. In addition, according to Ivan, after the police officer hit his face he developed problems with his eyesight. Ophthalmologist diagnosed him with rhegmatogenous detachment of the retina and epiretinal fibrosis.

On 27 April 2017, the Urensky Investigative Department started pre-investigative check based on the complaint of the citizens from Vetluga against the unlawful actions of the police officers. Different investigators conducted some activities, however, they were obviously insufficient to establish whether the actions of the police officers contained element of crime. With regard to this, the refusals to initiate criminal proceedings issued by the police officers were repeatedly quashed.

The red tape with the complaint of the citizens from Vetluga led to the fact Ivan Belov was questioned by the investigator from Uren only seven months after the check commenced, in December 2017. And it happened only after the application of the lawyers with the Committee Against Torture addressed to Deputy Head of the Investigative Department of the Investigative Committee of the Russian Federation for the Nizhny Novgorod region Dmitry Kanonerov.



After activation of the investigation, the police officers whom the applicants accuse of the battery manifested themselves. According to Ivan Belov, on 30 January of this year the police officers came to his work and started to talk him into changing his complaints against the law-enforcement officers. Ivan did not agree, claiming that he developed eyesight problems after the actions of the police officer. On the same evening Belov was apprehended near his house and taken to the police department, where he was told that he was suspected of storing drugs and conducted the search.

During search of personal belongings of Belov, no illegal items or substances were found. However, according to Belov, head of local Criminal Investigations Anton Merlugov warned him: “Do you realize that it was only the “rehearsal”? Next time it may end differently, next time something will definitely be found!”

Ivan perceived this as a real threat by the police officers. He informed the lawyers with the Committee Against Torture about what happened, and on the next day he left the town.

Taking into account the situation, human rights defenders applied to head of the regional investigative department Andrey Vinogradov. He listened to the applicant attentively and ordered to hand over the material of the check to the proceedings of the first department for major cases investigation of the Investigative Department of the Investigative Committee of the Russian Federation for the Nizhny Novgorod region.

On 3 March 2018, investigator on major cases of the Investigative Department of the Investigative Committee of the Russian Federation for the Nizhny Novgorod region Aleksey Shoshin opened a criminal case under item “a” Part 3 of Article 286 of the Criminal Code of the Russian Federation (“abuse of office with the use of violence”). Later on human rights defenders handed over six more complaints from the citizens of the Vetluga district concerning police torture.

And on 14 September of this year a criminal case was opened based on the fact of threatening Ivan Belov. Today, human rights defenders received a copy of this ruling – it says that the criminal case under part 1 of Article 286 of the Criminal Code of the Russian Federation (“abuse of office”) is initiated with regard to head of the Vetluga Police Department of the Nizhny Novgorod region Anton Merlugov.





criminal proceedings in connection with
human rights violations reach the court

The fact that criminal proceedings are initiated against law enforcers does not mean that the offenders will automatically face the court. More and more often we see that the Investigating Committee unlawfully suspends or terminates torture cases. Therefore, the assistance we provide to applicants at the stage of the pre-investigative inquiry as legal representatives, among other things, includes appealing against investigator's decisions.

A torture case against the police officer from Bashkiria will be heard in accordance with a special procedure

On 2 May 2017 Denis Yamagulov applied to human rights defenders for legal assistance. As he explained to human rights defenders, on 4 April of this year two police officers came to his place and suggested that he went with them to narcological dispensary for delivery of medical tests, allegedly, as a part of the planned activity for drug addicts detection. Denis agreed, however, when he found himself in a car he realized he was being taken to the Department of the Interior for the Chishminsky District of the Republic of Bashkortostan.

– When I saw the building of the police I asked the police officers why we came here, and I received a response “We are going to take your fingerprints and then we’ll go for a medical check”, – Denis said.

However, according to Denis, at the department the police officers started to demand that he confessed of theft of things from “Macho” shop – allegedly his acquaintance pointed at him as the perpetrator.

– After I refused to confess the police officer demanded that I stood up from a chair. Then he started to beat me up with his fists, first he punched me in the stomach, and after I bent over – in my back, – Yamagulov recalled.

After that, according to Denis, the police officers again suggested that he confessed, otherwise they promised to plant drugs on him. As a result, he agreed and signed the required confession under orders.

According to Denis, he was interrogated as a suspect on a theft case, after that he also took part in other investigative activities. Then the police officers suggested that he drank some vodka with one of them. At first Denis refused but he was threatened to be kept at the police department for two more days, and he was forced to drink about 150 grams of vodka.



– I went out of the police department and walked about one hundred meters in the direction of taxi parking. I was stopped by the Patrol-Guard Service officer, who told me I was drunk and I should proceed to the police department.

Denis was taken back to the police department where the police officers compiled a protocol for being drunk and disorderly, and he himself was taken to the cell for the administratively detained. On the next day, 5 April, the justice court of the Chishminsky region passed a ruling on administrative arrest for seven days with regard to Yamagulov.

According to Denis, during his stay under arrest in the Temporary Detention Cell, located in the Department of the Interior of the Chishminsky district, he was regularly beaten up by the police officers, demanding that he confessed of two other thefts. After another beating on 7 April Denis felt extremely bad: “At ten o’clock there was a bedtime, and I tried to lie on the bed but couldn’t due to sharp pain in my stomach. I started to call for help and the penitentiary officer called for the ambulance. While we were going to the hospital my stomach began to swell a lot, and I realized it was internal hemorrhage”.

Denis was taken to the intensive care of the Central hospital of Chishma, where he underwent an urgent surgery for removal of his lacerated spleen. He spent` two weeks in hospital and on 21 April he was discharged.

In the hospital discharge summary the doctors described the following diagnosis: “Closed trauma of the stomach. Lacerated spleen. Intraabdominal hemorrhage. Complication: hemorrhagic shock 1-2 degree of severity. hemorrhagic anemia of medium severity”.

On 8 April the district hospital sent a report to the Chishminsky interdistrict investigative department of the Investigative Department of the Investigative Committee on detecting bodily injuries of Mr. Yamagulov. Later on Denis mother applied to the Prosecutor’s Office and he himself.

As a result, on 5 May a criminal case based on the crime under p.p.”a, v” of Part 3 of Article 286 of the Criminal Code of the Russian Federation (“Abuse of office using violence and inflicting grave consequences”). On the same day Denis Yamagulov was declared a victim, and the first suspect appeared in the case – Special Investigative Agent of the Criminal Investigations Department of the Department of the Interior for the Chushminsky District Ilmir Amirkhanov. On 12 May charges against him were brought. He did not acknowledge his guilt in the incriminated crime, and refused to provide evidence. At the present time Amirkhanov is dismissed from office and is under house arrest.



On 30 November of last year, Deputy Head of the Chishminsky Interregional Investigative Department Ildar Gindullin notified lawyer with the Committee Against Torture Evgeny Litvinov, representing the interests of Denis Yumagulov, that the investigation of this criminal case was complete and the parties could start studying the materials of the case.

In the course of familiarization with the case the defendant expressed his wish to acknowledge the guilt in full scope: Ilmir Amirkhanov wrote a full confession, gave confessionary evidence to the investigator, after that he filed a motion to conduct the court hearing according to the special procedure.

On 20 February 2018, Chairman of the Chishminsky District Court of the Republic of Bashkortostan Natalia Gontar' passed a sentence to former investigative officer Ilmir Amirkhanov. He was declared guilty of committing the crime under items "a, v" of part 3, Article 286 of the Criminal Code of the Russian Federation ("Abuse of office causing grave consequences"), and sentenced to four years of conditional sentence.

Former police officers who beat up the football coach, face trial in Moscow

Faig Nagdaliyev applied to the Committee Against Torture with a complaint, stating that in August 2016 he was beaten up by the police officers after he gave them reproof for smoking at undesignated smoking point. According to Faig, on 25 August 2016 he saw a group of people who were smoking at the entrance to Taganskaya metro station. There were 8-10 of them and the majority wore police uniforms. Faig was surprised that the police officers were violating the Code of Administrative Offences in such an open manner. He approached them and made a comment on that. The police officers replied in a gross manner, after that an argument followed on how the law-enforcement officers should and should not behave. According to Faig, the dispute ended when one of the officers knocked Faig's mobile phone from his hands when he was trying to take a photo of the law-enforcement officers, and then the policemen pulled his arms behind him, put him on his knees and beat him up, kicking at his head and chest. As a result, Faig was inflicted with closed craniocerebral injury, brain concussion, as well as numerous bruises and contusions.

According to Faig, after that he was apprehended and taken at first to the police premises at Taganskaya metro station, and then to the police department. As he was explained, it happened due to his attempt to take a photo of the police officers. In the end, Faig was released, but before that he was forced to write that all the injuries he received on his own, when he hit against the door of the metro train.

"On the same evening the police officers brought a cake to the Russian Football Union and apologized to the security officer at the check point", – Faig remembers.



Nevertheless, Faig was convinced that apart from the cake and apologies to Russian Football Union security officer who had nothing to do with the incident, the guilty officers should be brought to responsibility established by the law for battery. For over a year he was seeking for justice at the Investigative Committee, however, the investigative authorities kept issuing refusals to initiate criminal proceedings which were subsequently quashed.

In the end, on 3 November 2017, during personal appointment with Head of the Chief Investigative Directorate of the Investigative Committee of the Russian Federation for Moscow Aleksandr Drymanov, the latter, having listened to Faig, ordered to open a criminal case against the police officers who beat him up. On 7 November, his order was implemented, and a criminal case was opened with regard to elements of crime under item “a” of Part 3, Article 286 of the Criminal Code of the Russian Federation (“abuse of office using violence”).

In the course of the investigation, two former officers of the Patrol-Guard Service at the Moscow Metro, who, according to Faig, applied physical force against him, confessed and repented. Aleksey Burulko and Nikolay Pervakov told the investigator how they hit Faig Nagdaliev several times without any legal grounds, and they fully confirmed the victim’s evidence.

In March 2018, the investigation was completed and the criminal case materials were sent to the Tagansky District Court of Moscow for examination of judge Natalya Larina.

Criminal case on the battery of a woman from Nizhny Novgorod by the police officer is sent to court for a new examination

On 23 October 2018, the Nizhegorodsky Regional Court repeatedly heard the case against former police officer Pavel Bersenev charged with beating up a detainee. He was previously declared guilty, but the conviction was uplifted. The case was referred to the first instance court for re-examination.

Elena Petrova from Nizhny Novgorod (the name and surname are changed) applied to the human rights defenders asking for legal assistance. She reported that she had been violently detained in Nizhny Novgorod karaoke-café and taken to police department No.7 of the Department of the Interior for Nizhny Novgorod. There, according to her words, one of the policemen shouted at her during the conversation, hit her in the face with his hand and pushed her to the wall.

In her explanation to the human rights defenders Elena reported that at night on 2 April 2017 she was having a rest with friends at the karaoke-cafe. At some moment, there began a fight among a young man from her company and some other guests on the dance-floor. Those present there tried to stop the fight and some later the policemen arrived to the cafe.

According to Elena's words, the policemen came to her purposefully and ordered her to come with them to the police department. She asked the policemen to explain to her the reason of their request, but they used physical strength and put her arms behind her back and handcuffed her. Due to that Elena suffered from severe physical pain (later the surgeon diagnosed "shoulder joints sprain").

Petrova was taken to Police Department No. 7.

According to Elena, in the department she was given some explanations to sign but they did not let her read them. After the detained person refused to sign the papers several times, the policeman quite abruptly changed the tone of the conversation into very aggressive one and said: "If you do not sign it now, I'll give you a thrashing!"

– I said that I was not going to sign anything anyway. Immediately after that the policeman hit my face with the sharp of his hand, – remembers Petrova.

In the end, Elena signed the document without reading it.

After that she was released and left the police department at about half past four in the morning. On the same day, she came to the trauma center of city hospital No. 34, and on the next day she went to the surgeon at the place of her residence. As a result, the doctor diagnosed that the victim had: "Soft tissue bruise on the face, and on the right and left forearms. Right and left shoulder joints sprain".

On 10 April 2017 investigator from the investigating department of the Investigation Office of the Investigation Committee of the Russian Federation in Nizhny Novgorod region, Major of Justice Izverov initiated a criminal case against the police officer according to p. «a» Part 3 Article 286 of the Criminal Code of the RF ("Abuse of office with the use of violence").

On 4 May of this year, judge of the Sovetsky District Court of Nizhny Novgorod Ivan Karnavsky passed a judgment of conviction with regard to former police officer. The court sentenced Pavel Bersenev to four years of conditional term.

The convict has not agreed with the verdict and appealed against it at the Nizhegorodsky Regional Court.

According to him, Petrova has attacked him herself and pierced his hand with a ballpoint pen. However, the video footage which shows him hitting Petrova in the face does not show the detainee attacking the law enforcer. Bersenev claimed the video footage had been clipped. He also alleged that he had been watched for a long time by an unknown “special service” which had installed video cameras in his office, tapped his conversations and scanned his sim cards when he used the metro.

On 6 September 2018 the Nizhegorodsky Regional Court examined the cassation appeal, quashed the verdict of guilt and referred the case for a re-trial to the Sovetsky District Court of Nizhny Novgorod.

During the cassation hearing, the State Prosecutor asked the court to return the criminal case for examination to the court of the first instance due to the fact that the indictment did not have the appropriate description of the crime which Bersenev is accused of, as well as to the fact that, in the opinion of the State Prosecutor, it was not proven that part of the bodily injuries of the victim developed due to illegal actions of the former police officer.

The case of Aleksandr Novoselov’s abduction and torture is heard in Nizhny Novgorod

On 26 November 2018 the Nizhegorodskiy district court started hearings on the merits of the criminal case against ex-police officers Evgeniy Voronin and Roman Markeyev, as well as businessman Oleg Sorokin accused of Aleksandr Novoselov’s abduction and tortures back in 2004.

The charges are brought against Roman Makeyev (in 2004 he was senior investigative officer of the interdistrict police department on investigating serial and contract killings under the Chief Directorate of the Department of Interior for the Nizhny Novgorod region) and Evgeny Voronin (in 2004 he was the head of this department) related to committing especially grave crimes described under items “a, v, g” of Part 2 Article 126 of the Criminal Code of the Russian Federation (“abduction by a group of persons”) and items “a, b” of part 3 Article 286 of the Criminal Code of the Russian Federation (“abuse of office with the use of violence”).

Another participant of this case is businessman Oleg Sorokin accused of abetting the crime.

In May 2005 Aleksandr Novoselov applied to the Committee Against Torture seeking legal assistance. According to the applicant, at about 10 a.m. on 27 April 2004, on one of central squares of the city, he was stopped by several men he was not acquainted with. The men dragged him into a car, beat up and drove to a forest in Balakhninsky district of Nizhny Novgorod region. Shortly after, a white all-road car arrived there, and several men stepped out of it. One of them, as Mr. Novoselov insists, looked very much like businessman Sorokin. The men were threatening Aleksandr with a gun and beating him, accusing him of an attempt to murder the businessman. Then a man in camouflage rammed a gun in the applicant's mouth, making his lower lip bleed. Aleksandr once again denied any involvement in the attempt on the businessman's life, and the men put a plastic bag over his head, cutting off the air supply. The man looking like Oleg Sorokin said: «Take an axe, let's cut his leg off». Seeing an axe in one of the men's hands, Aleksandr felt fear for his life and decided to sign the statements wanted from him. The men also made a video record of him giving confession statements.

The battery resulted in serious bodily injuries. Aleksandr was later diagnosed with contusion of the right kidney, a brain contusion, bruising of the soft tissue of the face and limbs, blood in the urine, a subarachnoid hemorrhage and a fracture of the right ninth rib and other injuries.

Mr. Novoselov firstly filed complaint with the Prosecutor's Office. The investigative body refused to initiate criminal proceedings against the police officers, basing this decision on the results of a pre-investigation inquiry. The reasoning was the following: Aleksandr Novoselov appeared to have been involved in an operative drill performed by the Directorate of the Interior for Nizhny Novgorod region servicemen, and one of them «was disguised as O.V. Sorokin».

Having failed to attain justice on the national level, on 24 December 2005 lawyers of the Committee Against Torture lodged the relevant application with the European Court of Human Rights on behalf of Aleksandr Novoselov.

On 28 November 2013 the ECHR delivered a ruling with regard to it. The Strasbourg judges established that Novoselov was tortured by the representatives of the state, and the investigation of this fact by the Prosecutor's Office was "shallow" and "formalistic". At that time, the European Court obliged Russia to pay 27 500 euro to Novoselov.

With regard to the passed ruling of the ECHR, on 12 November 2014 the Supreme Court of the Russian Federation decided to resume the proceedings on Novoselov's complaint due to new circumstances, however, the criminal case was initiated only on 2 August 2017.



According to the investigative authorities, in 2004, in order to obtain information about those involved in the attempted murder of Oleg Sorokin in 2003, police officer Voronin decided to subject an individual who could have that information to psychological pressure. While implementing that plan police officers, including Evgeniy Markeev, tracked Aleksandr Novoselov, forced him into a car and drove to the forest where Sorokin beat and threatened Novoselov. Once needed information was obtained, they released him.

Besides, Oleg Sorokin is charged with taking a grand bribe in the framework of a combined criminal case (p. 6 art. 290 of the Russian Criminal Code).



2018

Committee Against Torture



law enforcers convicted for
human rights violations

We sometimes need years to drag the case into court. Thus, in 2018 law enforcers were convicted for crimes committed five and eight years before. Unfortunately, in Russian judicial practice those found guilty of tortures are often sentenced to negligible terms of detention and receive punishment not involving de facto incarceration.

A judgment of conviction is passed with regard to the former police officer who tortured the detained

On 17 January 2018, judge of the Shakhunsky District Court of the Nizhny Novgorod region Valentina Smelova passed a judgment of conviction with regard to former investigative officer of the Department of the Interior for the Shakhunsky District Andrey Tumanov, who was declared guilty of committing a crime under item “a” part 3 Article 286 of the Criminal Code of the RF (“abuse of office with the use of violence”) and sentenced to four years’ conditional term.

Denis Kramchaninov applied to the Committee Against Torture in July 2010. At that time, he told the human rights defenders that he was severely beaten by a local police officer who was forcing the young man to sign a false self-accusation of committing a street theft.

As Kramchaninov reported in his explanation, in the evening of 15 July 2010 he was brought from his home to the Shakhun police department of town. Inside the office premises the police officer demanded that the guy confessed of a street theft, after that he hit him several times with his fists against the head, pressed his fingers with pliers, and, having put the gas mask on the young man, made him do knee bends. The battery and torture lasted for about two hours, after that Denis yielded and agreed to sign a full confession, which was dictated to him by the police officer. When in the evening of the same day the young man applied to the Shakhunskaya District hospital doctors diagnosed him with a cerebral concussion and registered some hematomas on his body.

The criminal case on theft initiated against Denis was dismissed in a short time due to failure to prove the young man's guilt.

For almost seven years human rights defenders were insisting on opening the criminal case based on Denis torture report: during this time ten refusals to initiate criminal proceedings were issued, subsequently they were declared illegal and quashed. In August 2016 the Committee’s lawyers applied to the European Court of Human Rights in the interests of Denis Kramchaninov.

On 29 May 2017 the criminal case was opened in relation to former investigative officer of the Department of the Interior for the Shakhunsky District Andrey Tumanov, who is accused of committing a crime under item “a” part 3 Article 286 of the Criminal Code of the RF (“abuse of office with the use of violence”).

The preliminary investigation of the criminal case took about two months and after the assertion of the indictment by the Prosecutor it was sent to court for evaluation on its merits.

Lenient verdict for former superiors of the Detention Facility, guilty of the death of a convict, is upheld

On 17 May 2018, the Orenburg Regional Court upheld the verdict with relation to former head of Detention Facility #2 in the Orenburg region Evgeny Shnaider and former head of the Operational Department of this establishment, Vitaly Simonenko. Previously they were declared guilty of abuse of office with the use of violence with regard to three convicts, one of which, Vladimir Tkachuk, subsequently succumbed to injuries and died. The court sentenced Evgeny Shnaider to two years prison term, Vitaly Simonenko – to four years prison term with serving at the standard security penal colony. The verdict entered into legal force.

The mother of convicted Vladimir Tkachuk Nadezhda Chertovskikh applied to interregional non-governmental organization «Committee Against Torture» for legal assistance in September 2013. She informed human rights defenders that on 5 September she received a call from an unknown person who told her that her son had been beaten to death by the officers of Pre-Trial Detention Facility No.2 in Orsk, Orenburg region, where Tkachuk was seconded from Penal-Colony No 11 to serve his sentence as a household worker.

Initially the investigation of Tkachuk's death was conducted in a rather spiritless and drowsy manner: this was expressively showed by the fact that investigator of Investigative Department of the Investigative Committee of the RF for Orsk (Orenburg region) Anastasia Chichina issued six refusals to initiate criminal proceedings which were subsequently declared illegal and quashed. For half a year the investigator was asserting that Tkachuk received his numerous injuries as a result of a wooden plank falling on him. By the way, the unknown person who telephoned Nadezhda Chertovskikh on 5 September 2013 told her that the detention facility staff was going to maintain the version with the falling plank.



In all likelihood, the investigator considered the following version of the incident to be credible: a plank 30 centimeters wide and 5 centimeters thick was standing at the wall - the convicts used such planks to cover floors in the room. For some reason the investigator did not define the length of the plank, specifying it at «about 2-3 meters». As a matter of fact, the investigator did not see the «killing plank» as such, but just took the words of the detention facility staff for it. And so this plank supposedly fell on Vladimir Tkachuk's head. However, judging by the character of his injuries, the plank fell several times...

Later on the conclusion of the specialist of State-owned Federal State Institution «111 Head State Center of medico-legal criminalistic examinations» of the Ministry of Defense of Russia established that «the character of V.I.Tkachuk's closed craniocerebral injury shows that it was made as a result of repeated blows with a blunt hard object or objects with predominant traumatizing surface in head's frontal, sincipital and cervical zones».

– According to the theory of Pre-Trial Detention Facility officers, Tkachuk received his injury during production operations on 2 September, and then he was taken to the Punishment Isolation Cell allegedly because he refused to get up after the wakeup order. According to the witnesses' evidence, during all this time Tkachuk was asking for medical assistance, complained of headache and feeling bad, and in the course of several days before death he was already in the state of delirium, not realizing where he was. However, the doctors arrived to him only at 00.45 on 5 September when he was already in a coma. At 02.50 of the same day the doctors registered the death of the convict, – lawyer of the Committee Against Torture Timur Rakhmatulin, representing the interests of the mother of the deceased, reported.

The criminal case with relation to this fact was initiated only in half a year, but even after that the investigators did not come closer to establishing the persons guilty of Tkachuk's death: the case was dismissed six times, and each time human rights defenders appealed against such rulings of the investigators.

At the same time, on 4 May 2016 human rights defenders applied a complaint to the European Court of Human Rights on behalf of Nadezhda Chertovskikh. In December of the same year the complaint was communicated – questions were put to Russian authorities concerning the circumstances of Tkachuk's death, as well as about the efficiency of the conducted investigation at the national level.

On 7 June 2017 in the framework of the investigation of the criminal case based on the fact of the death of Vladimir Tkachuk, two high-ranking officials of the Orsk Pre-Trial Detention Facility No.2 were apprehended: Acting Head Evgeny Shnaider and Acting Head of the Operational Department Vitaly Simonenko.



Later on Evgeny Shnaider confessed of committing the crime under item “a” Article 286 of the Criminal Code of the Russian Federation (“abuse of office using violence”) – he hit convict Vladimir Tkachuk several times in the area of arms and chest.

Initially Vitaly Simonenko was charged with committing crimes under two articles: abuse of office using violence which led to grave consequences, and inflicting grave bodily harm which led to the convict’s death by negligence. Later on, the investigators decided that Simonenko did not have the intent of inflicting grave bodily harm to Vladimir; that is why part 4 of Article 111 of the Russian Criminal Code was excluded from the indictment.

In addition, during the preliminary investigation, two more victims appeared in the criminal case – according to the investigation, on the same day when Tkachuk was beaten up, Simonenko beat up two other convicts, as well.

On 21 March 2018 the Sovetsky District Court of Orsk, Orenburg region, passed an indictment to former Detention Facility officers. The court sentenced Evgeny Shnaider to two years prison term, Vitaly Simonenko – to four years prison term with serving at the standard security penal colony. The Orenburg Regional Court upheld the verdict.

5 500 000



**rubles of compensations awarded to
victims of police abuse**

Russian courts still award very small compensations of moral damage incurred by both tortures and ineffective investigations thereof. Unfortunately, in our judicial system there is still no algorithm of calculating the amount of moral damage sustained due to unlawful actions of state agents. As a result, different judges award compensations different many-fold under similar cases.

Police torture "costs" three thousand rubles

On March 27, 2012 the Nizhny Novgorod office of the Committee Against Torture received applications from Nizami Gasanov and Elshan Zamanov alleging they were subjected to unlawful violence by the police officers of Police Department no. 1 of Nizhny Novgorod Department of Interior.

As it was later established by the court and mentioned in the indictment, in the evening of 2 March 2012 six police officers headed by the district police department Criminal Investigations superior stormed the summer cottage where the Gasanov family dwelled. The police officers seized all the mobile phones and documents, all the young people who were in the house, were apprehended. There the detained were forced to stand in the corridor for the whole night, they were not allowed to sit, and only once they were let to visit the lavatory.

During this time Nizami Gasanov and Elshan Zamanov were tortured in different rooms. The police officers hit and kicked Nizami, put a plastic bag on his head, threatened him with rape.

“You’ll die like a dog”, – the police officers promised to the detained.

Elshan was also beaten up, threatened with rape, humiliated with regard to his ethnic origin and was called a “bent copper” – shortly before the incident Zamanov worked as a police officer himself.

“Now we will rape you and send the video to prison,” – that was the threat by the head of Criminal Investigations”, – Elshan Zamanov recalled.

After such “treatment” they both confessed of being involved in car thefts, which was the police officers’ objective, however, on 18 May 2012 the criminal prosecution against Gasanov and Zamanov was dismissed due to their noninvolvement in the charged crimes.



However, this blunt fact did not prevent the accused and subsequently convicted police officer from playing their favourite game during all preliminary investigation and examination of the case in court – allegedly, honest police officers are put to trial because they were fighting the ethnic crime so hard.

A well-known in the Nizhny Novgorod region defender of the police officers' rights Vasily Olnev came to their aid, and his words were echoed by journalist Yulia Latynina, who, as it often happens to her, based her arguments on everything possible, but not on the facts.

Head of the investigative group Yury Elantsev also mentioned the unprecedented pressure; he managed to hold his ground under pressure exerted by protectors of Avtozavodsky police officers, and after two and a half years the case was submitted to court.

The court hearing itself took another one and half years, involving over sixty court hearings, in the course of which the materials of forty four volumes of the criminal case were studied and over fifty witnesses were questioned.

On 19 April 2016 the court declared all the defendants guilty of committing the crime under item 3 Article 286 of the Criminal Code of the Russian Federation (“abuse of office using violence”). Former Deputy Head of Police Department No.1 Vladimir Samsonov and former head of Criminal Investigation Sergey Alimov were convicted to 4 years and 6 months of conditional term, former head of department for property crimes Ivan Vechkanov – to 3 years and 8 months of conditional term, former senior officer of the criminal investigation department Sergey Nikolaev and former Deputy Head of Criminal Investigation Andrey Balandin – to 3 years and 6 months of conditional prison term; former officer of the property crimes department Evgeny Telenkov – to 3 years and 3 months of conditional term.



In November 2017 lawyers with the Committee Against Torture applied to the Nizhegorodsky Regional Court with a lawsuit demanding a compensation of moral damage inflicted by the crime of the ex-police officers from the Ministry of the Interior, amounting to one million rubles to Nizami Gasanov and Elshan Zamanov, each.

On 24 April 2018 judge of the Nizhegorodsky District Court Mariya Koteeva partially satisfied the claims on the lawsuit, having evaluated the amount of sufferings of each victim at three thousand rubles.

70 000 rubles for spine broken at the Nizhny Novgorod Police Department

On 13 November 2018 the Nizhny Novgorod regional court upheld the first-instance court judgment obliging the Interior Ministry to pay Aleksandr Dmitriyev whose spine had been broken by law enforcers in 2011 in an effort to obtain a confession 70 000 rubles.

On 2 March 2017, two former special investigative officers of Police Department No.7 of the Department of the Interior for Nizhny Novgorod Aleksey Sokolov and Vadim Volkov were declared guilty of breaking the spine of detained Aleksandr Dmitriyev and sentenced to five years prison term each.

Bringing in the verdict of guilty, the court established that on 6 March 2011, Aleksandr Dmitriyev was unlawfully apprehended by the police officers in his own apartment and taken to Police Department no. 7 on suspicion of theft. The next day Mr. Dmitriyev was charged with resisting police officers, and appeared before court, but Justice of the Peace in Sovetskiy District acquitted him, having found that no offense had been committed.

After the court, the policemen took Aleksandr to their department again, and forced him to give false statements against himself and his acquaintance, which read that they had stolen some building implements. The officers Aleksey Sokolov and Vadim Volkov were beating him and used the method of torture known as «envelope» (victim's hands are twisted behind the back and handcuffed, legs are tied together and with the hands so that the victim is «folded» like an envelope). During this «interrogation» officer Sokolov set on his victim's back – and the latter felt sharp pain in the lumbar area.



However, Mr. Dmitriyev's sufferings were not over even after signing the confession statement. It appeared that the man who he had been forced to bear false witness against had alibi. The officers resumed the severe beating to make Aleksandr give new statements that he had committed the theft alone.

Next day, on March 8, Aleksandr was free to go home. This was two days after his apprehension. He called an ambulance, and was immediately admitted to hospital.

Later Aleksandr Dmitriyev was examined by forensic medical experts. According to their report, on admission to hospital no. 39 the man had the following injuries: simple compression fracture of the first lumbar vertebrae, lumbar contusion (tenderness of the spinous processes, muscle tension, restriction of movement), brain concussion, wrist abrasions. Aleksandr is a disabled person of group II now.

On 13 April 2011, criminal proceedings were initiated following Aleksandr's ill-treatment complaint, but on 6 October 2011 the case was closed on the grounds that no crime had been committed. However, due to the efforts of the Committee Against Torture which called the media attention to this case, on 10 May 2012 the case was reopened and transferred to the first department of the Nizhny Novgorod region Investigative Committee Investigative Department.

As a result, on 23 January 2014, the Sovetskiy District Court of Nizhny Novgorod pronounced the guilty verdict for two former police officers with Police Department no. 7 Aleksey Sokolov and Vadim Volkov and convicted them to five years prison term with serving the sentence in a standard security penal colony. Their defense team was not satisfied with the court decision, having filed an appellate complaint against it, and on 4 March 2015 the judicial board quashed the ruling of the court of the first instance due to technical errors. The convicts, who spent over a year in the detention center, were released in the court room, and their measure of restraint was changed to the house imprisonment, and the case was sent back for re-examination to the district court.

However, the re-examination of this criminal case also ended with a judgment of conviction for the police officers. On 2 March 2017 judge of the Sovetskiy District Court Olga Kolyagina declared Aleksey Sokolov and Vadim Volkov guilty of committing a crime under item "a, b" part 3 Article 286 of the Criminal Code of Russia ("exceeding official authority using violence and special equipment"). The defendants were convicted to 5 years of prison term in a standard regime penal colony. Both of them were taken into custody in the court room.



The convicts were not satisfied with the judgment of conviction and appealed against it at the Nizhny Novgorod Regional Court, however, the court upheld the ruling of the court of the first instance and did not satisfy the complaints of the convicts.

Thirty thousand rubles of compensation for the battery at the Orenburg police department

On 13 December 2018 judge of the Leninskiy district court Anastasia Plyasunova obliged the Interior Ministry to pay 30 000 rubles as compensation of moral damage to Maksim Nimatov who had been torture by the police 10 years before. Those in charge of tortures will not be held accountable anymore.

On 27 August 2008 eighteen-year old Vyacheslav Sadovskiy and Anton Ferapontov, as well as nineteen-year old Maksim Nimatov applied to the Orenburg office of the Committee Against Torture. They reported to human rights defenders that on 25 August 2008 they were detained by the police, taken to the Dzerzhinskiy District Department of Internal Affairs where they were battered and brutally tortured. For the whole night police officers were trying to obtain confession statements from them related to a number of different crimes: from the robbery of the beer stand to murder of the police officer. According to the applicants, in addition to «standard» battery the police put gas masks on their heads and blew cigarette smoke into the tube, hung them by the hands and legs tied behind their backs, everything was accompanied by battery with truncheons.

The victims state that the tortures lasted till the morning of August 26. The detainees were deprived of sleep and if they started falling asleep they were hit on the head.

The victims' parents and other relatives, having accidentally learned that their sons are detained by the police, kept the watch near the building of the Dzerzhinsky District Police Department. It is worth pointing out the fact that for a long time the police tried to convince them that their sons were not in the building of the District Police Department. In the evening the police allowed the lawyers to see the young men. Despite the fact that the police officers threatened them with harsher treatment in case they change their testimony, the young men in the presence of the lawyers reported that they were forced to incriminate themselves under torture and to sign some procedural documents required for the authorities' representatives.

The police officers illegally detained the young men for over 24 hours without making any charges. After the young men were released they first went to the first-aid station, and then to hospital, where the doctors registered all numerous bodily injuries: all the three were diagnosed with hematomas, bruises, joints dislocations, one of them was diagnosed with cerebral concussion, Vyacheslav Sadovsky had a broken rib, and Anton Ferapontov had a broken nose.



On the next day all the three young men and their parents applied to the investigative authorities with a crime report. The victims also applied to the Committee Against Torture for legal help.

The verdict, which was passed in 2018 with regard to police officers Albert Akmanov and Vasily Zubikhin, became a disappointing result of years-long struggle for restoration of violated rights of the three young men. The defendants were declared guilty only of illegal apprehension of the young men and their detention at the District Department of the Interior. The judge sentenced Akmanov and Zubikhin to eleven months of prison term each to be served in the colony-settlement, however, due to the expiry of the period for bringing to criminal responsibility, the court released them from punishment.

The European Court awards 20 000 EUR to a Nizhny Novgorod resident beaten by police officers in 2009

On 22 June 2009 Irina Rakhmova applied for legal support to the Nizhny Novgorod office of the Committee Against Torture. She told that early in the morning on 14 May 2009 police officers came to her apartment. They showed her some incomprehensible document that she failed to read without glasses. At the moment when she opened the door and asked to see the document more clearly, the police officers forced inside her home. They told her they were going to conduct a search.

According to the applicant, the police officers started to push her. At this time her husband Aleksandr Rakhmanov, a disabled person of group 2, came in the corridor and tried to learn what was going on. In reply one of the masked persons hit him in the face, after that Rakhmanov fell. Other masked people came near him and started to hit him with shoes at his chest and belly.

After that he was handcuffed and one of the police officers raised Rakhmanov via his handcuffs under the floor. Irina heard him crying: «It hurts, take off the handcuffs, what have I done to you, I'm an old and sick man». Only after that he was left alone.

Upon the completion of search Rakhmanova together with her husband went to a forensic expert. From 14 May 2009 to 5 June 2009 Aleksandr Rakhmanov was undergoing treatment at Kstovsky Central District Hospital. He was diagnosed with: first degree brain contusion, diffuse contusions of face, chest, anterior abdominal wall, upper limbs, bruises of the face.



The police officers, in their turn, have a different version. They claimed that on that day under instructions of the investigator they conducted a search in Rakhmanov's apartment in relation to a fraud case. According to their version, at first Irina did not want to let them inside, and then the couple put up a fight (the police officers claimed that Rakhmanova even bite one of them), as a result the law-enforcement agencies were compelled to use force.

A criminal case against Rakhmanova was initiated based on violence against the police officer. She claimed she could not possibly bite anyone because her teeth were pin supported. But quite soon, on 13 August 2009, Kstovsky City Court brought in the verdict of guilty, and she was sentenced to pay a fine of one hundred and fifty thousand rubles. Thus, in three months' time exactly the case of the bite of the police officer was brought to verdict.

What about the investigation of the circumstances of how the Rakhmanovs acquired their bodily injuries?

At first, in violation of the requirements on independence of torture complaints investigation, established by the decisions of the European Court of Human Rights, the Rakhmanovs' complaint on the battery was being checked in the framework of the criminal case against Rakhmanova. On 24 June 2009 senior investigator of the Kstovo City Department of the Investigative Committee Dmitry Balin passed a ruling refusing to initiate a criminal case based on the conjoints' complaint.

On behalf of the Chairman of the Committee Against Torture a crime report was submitted, which was examined in the framework of the separate investigation material. On 1 July 2009 previously mentioned senior investigator Balin, referring to his ruling of 24 June 2009, also refused to initiate a criminal case.

Totally in the course of pre-trial investigations three refusals to initiate criminal proceedings were issued, which were appealed against by the lawyers of the Committee Against Torture. Two of them were declared illegal by the Prosecutor's Office and denounced. The last, third, ruling was declared legal.

In 2009 human rights defenders filed a complaint to the European Court of Human Rights, and in 2015 at a domestic level - a suit on compensation of moral damage, incurred by inefficient investigation of a complaint about police battery.



On 9 July 2015 judge of the Nizhny Novgorod District Court Irina Shkinina satisfied this appeal, having collected ten thousand rubles from the state. The judge agreed to the human rights defenders' arguments who claimed that the actions of the authorities (investigative officers and Prosecutor's Office), responsible for the fact that the preliminary check of Rakhmanov's battery in 2009 lingered for four years, were illegal. Unfortunately, Irina Rakhmanova did not live to see this court ruling, as she died only two months prior to that.

On 20 December 2018 the European Court of Human Rights issued a judgment according to which the Russian Federation had acknowledged its guilt for violating Aleksandr Rakhmanov's right to be protected from tortures and for an effective remedy. Also the State entered into an amicable settlement agreement with Rakhmanov's relatives according to which they should be paid 20 000 EUR as compensation of moral damage.

Unfortunately, Aleksandr Rakhmanov also died, in 2016, and will not learn about the judgment on his complaint.



applications lodged with the
European Court of Human Rights

In course of public investigation we try using all possible means to obtain redress for applicants on the domestic level. When we fail to achieve it, we have to apply to the European Court of Human Rights. Among other things, in 2018 we lodged several applications in relation to meagre compensations of moral damage, and also repeatedly filed an application in the interests of Sergey Lyapinn, because the investigative authorities had not conducted an effective investigation allowing those responsible for tortures to escape prosecution. We have to admit that the Government is ready to acknowledge human rights violations and pay compensations, but is not ready to address the problem of tortures in a systemic way.

Human rights defenders submitted application to the European Court of Human Rights with regard to a small compensation for the crime

Human rights defenders started working on this situation after 26 July 2013, when Irina Balashova applied for help. According to the woman, her partner Sergey Nikonorov was trapped in unbearable and inhuman conditions created by the staff of Penal Colony (settlement) no. 11 for Orenburg region, which is headed by Filyus Khusainov: convicts were systematically subjected to ill-treatment, including threats of sexual abuse. Concerning Mr. Nikanorov, the treatment had been caused by his refusals to work at construction sites, and his forced labor complaints lodged with the Investigative Committee and the Prosecutor's Office.

In particular, Sergey told in details how he was building a country house and a sauna for head of Penal Colony-Settlement No.11 Filyus Khusainov. Nikonorov insisted that during the check of the testimony on site he can indicate such details which cannot be known to a stranger, and even to the owner of the constructed facilities himself, but only to the immediate performer of the construction work.

In the course of the judicial proceedings former head of Penal Colony Settlement No.11 admitted his guilt, but only partially, denying his guilt in the part of using a fire-arm for the purpose of the victim Nikanorov intimidation. However, the court, having evaluated all the cumulative evidence, came to the conclusion that Khusainov used fire-arm during committing the crime. In particular, the victim precisely described the appearance of the gun before the traumatic weapon was seized in the course of the search in the Khusainov's apartment. In addition, witness S., who was refurbishing the internal premises of a country house, stated that he heard a loud bang during Khusainov's visit to the construction site. A dent on the stainless steel sheet of the fencing, which, according to the expert examination, could be made by the bullet fired from a traumatic gun, completes the picture.



On 4 May 2016, judge of the Novotroitskiy City Court Ekaterina Rodygina passed a judgment of conviction to former head of Penal Colony-Settlement No.11 of the Federal Penitentiary Service of Russia for the Orenburg region Filyus Khusainov. He was declared guilty of committing the crime under item «a» part 3 Article 286 of the Criminal Code of the Russian Federation («abuse of office performed using violence or with a threat of its use») and sentenced to three years of prison term in a standard regime penal colony. In addition, Khusainov is debarred from holding a public office within two years.

On 31 August 2016 the judicial panel of the Orenburg Regional Court upheld this ruling.

After the verdict has entered the legal force lawyer of the Committee Against Torture Albina Mudarisova, representing the interests of Sergey Nikonorov, applied to court with a lawsuit on compensation of moral damage inflicted to the victim and compensation of losses incurred through Filyus Khusainov's crime.

On 22 March 2017, judge of the Central District Court of Orenburg Albina Andronova partially satisfied the claims under the lawsuit, having awarded Sergey Nikonorov with seventy five thousand rubles out of claimed eight hundred fifty thousand rubles as a compensation for moral damage. The court dismissed the claims under the lawsuit with regard to compensation of losses.

Sergey Nikonorov and his representative were dissatisfied with the amount of the compensation and submitted a complaint to the Orenburg Regional Court. Another appellate appeal was submitted by the Federal Penitentiary Service of the Russian Federation, having requested the court to dismiss the lawsuit altogether, as Khusainov was convicted already after he was fired.

On 7 June 2017, the Orenburg Regional Court upheld the ruling of the court of the first instance, and dismissed the applications of the parties to the proceedings.

According to human rights defenders and the victim himself, the amount of compensation does not correspond either to the gravity of the inflicted damage, or to the existing practice of the European Court of Human Rights. That is why they decided to submit an application to Strasbourg.



A man from Nizhny Novgorod convicted for attacking the police officer, complained to the European Court

On 26 September 2016, Manshuk Dvortsova from Druzhny settlement in Nizhny Novgorod region applied to human rights defenders with a complaint about the use of force against her husband, Andrey, by the policemen.

Later on, Mr. Dvortsov explained that on 9 August 2016 around 8 p.m. he was outside in the street with two friends. The man had drunk some alcohol before that. According to Andrey, when they were approached by three policemen who started to ask something, he ran away.

– One of the policemen caught me and performed a reep. I fell on the ground and was handcuffed from behind. After that they were beating me for a minute or so. At some point I fell unconscious, – Dvortsov remembers.

Andrey explained that he was working as a plumber. That day he was coming back from work wearing a uniform where he had a knife in one of the sleeves which is necessary for his work. As Andrey assumes, the reason for a sudden rage of the policemen was that when one of them was catching him by the sleeve and handcuffing him, he cut his hand.

Andrey spent the night at the police department. The next day he was given a statement with two fines for 500 rubles each for appearing drunk in a public place and disobedience of the legal order of the policeman.

On the same day, he recorded the received injuries in the local first-aid station: brain concussion, bruises on the face, left earflap, shoulders, anterior abdominal wall, left forearm, left scapular region, left cnemis, lumbar region, left knee-joint area, right hip, scratch marks on the right knee-joint area and parietal region.

On the next day Andrey's condition got worse and he had to spend eight days in city hospital No. 39 of Nizhny Novgorod. After that he spent over three weeks having ambulant therapy.

During his treatment, Andrey learnt about initiating a criminal case against him for attacking a policeman. It took Ekaterina Abanina, investigator of the Investigative Committee for the Nizhny Novgorod region Investigative Department for Kstovo, four months to investigate this case.



Mr. Dvortsov himself also applied to the Investigative Committee with a complaint against the police officers. The same investigator Abanina was assigned to perform the check of this complaint. By the present moment six refusals to initiate criminal proceedings have been issued, five of which were subsequently declared illegal and quashed. Human rights defenders have appealed appealing against the last refusal.

On 7 December 2017, the Kstovo City Court declared Andrey Dvorstov guilty of committing the crime under Part 2 of Article 318 of the Criminal Code of Russia (“applying violence against the representative of authority, threatening to life or health”). The court imposed him a penalty in the form of three years of prison term in a standard security penal colony. On 16 April 2018, the Nizhegorodsky Regional Court upheld this verdict.

Due to failure to defend Andrey Dvortsov’s violated rights at the national level, lawyers with the Committee Against Torture were forced to submit a complaint to the European Court of Human Rights.

“We think that, apart from illegal applying violence against Andrey Dvortsov and absence of effective investigation of this fact, the judicial investigation with regard to our applicant was unfair, – lawyer with the Committee Against Torture Ekaterina Vanslova comments. – For example, in the course of court examination of the charge against Dvortsov with regard to the attacking the police officer, the adversarial principle and the principle of equality of the parties were violated, since the court prevented the defense party from expressing its stance, did not provide for presence of a number of witnesses, did not evaluate the evidence provided by the defense party. Dvortsov was deprived of opportunity to attach an expert conclusion to the materials of the case, he was also denied an additional medical forensic expert examination with evaluation of the victim. In general, the court proceedings of Dvortsov’s case have accusational bias – all this is a separate violation of the European Convention”.

A citizen from Nizhny Novgorod repeatedly applied to the European Court with regard to failure of Russia to perform its obligations

The story of Sergey Lyapin, who applied for legal assistance to the Committee Against Torture on July 9, 2008, is as follows. According to Sergey, during the night of the 24th – 25th of April 2008 he was collecting scrap metal near one of garage blocks of Ilyinogorskoye settlement (the Nizhny Novgorod region). All of a sudden he was detained by security police officers from the Volodarskiy police department, as he was told, “on suspicion of committing thefts”, and delivered to the local police department.



According to the applicant, at the police department first he was beaten up, and then the police officers started to torture him with electricity.

“In order to increase the effect they poured water on electrical contacts and my hands. Several times I passed out”, – Sergey recalled.

Later the detainee was subject to the investigation formalities and the judge of the peace sentenced Sergey to 5 days of administrative arrest “for disobeying the police”, after that he was sent to a special detention centre to serve his sentence.

On 26 April Mr. Lyapin grew worse and from his cell he was taken first to a trauma station in Nizhny Novgorod, and then to hospital. There he was diagnosed with numerous injuries and traumas: concussion, chest contusion, thermal burns on both hands.

Upon the completion of two-days treatment course (Sergey never served full administrative sentence), Lyapin applied to the investigative authorities with a complaint against the actions of the police officers. However, the check that the Dzerzhinsky Interdistrict Investigative Department of the Investigative Committee under the Prosecutor’s Office of the RF for the Nizhny Novgorod region performed based on this complaint was highly inefficient. During one and a half years investigators issued at least ten refusals to initiate criminal proceedings, nine of these refusals were declared illegal.

Having exhausted all remedies for Sergey Lyapin at the national level, human rights defenders were forced to submit a complaint to the European Court of Human Rights. On 24 July 2014, the Strasbourg judges acknowledged the fact of Sergey’s tortures in their ruling, as well as established that the investigative authorities did not conduct an efficient investigation of this fact. The applicant was awarded a compensation in the amount of 45 000 Euro.

On 20 January 2016, the Presidium of the Supreme Court of the Russian Federation satisfied the motion for resuming the proceedings with regard to Lyapin’s complaint of torture due to the new circumstance – the European Court of Human Right’s ruling.

On 16 March 2016 investigator of the Investigative Department for Dzerzhinsk of the Investigative Department of the Investigative Committee of the Russian Federation for the Nizhny Novgorod region Roman Shamshutdinov initiated criminal proceedings based on the fact of Sergey Lyapin’s tortures.

During the preliminary investigation the criminal case was illegally suspended four times, due to which the indictment was sent to the Prosecutor’s Office of the Volodarsky District only two years after it was opened – on 9 April 2018.



On 17 May of this year, during the court hearing defendant Vitaly Starikov asked the court to dismiss criminal prosecution against him due to expiry of the state of limitations with regard to the alleged crime. Judge Irina Ermakova satisfied this motion.

In the present time the court hearing continues only with regard to the second defendant – Oleg Kashtanov, who is active police officer. However, even in case of judgement of conviction, he will escape from responsibility due to the expiry of the period of limitations.

“The ruling of the European Court of Human Rights in case of Lyapin dated 2014 is a precedent one – it states the system problem when the Russian investigators do not open criminal cases based on legitimate torture complaint, but only conduct pre-investigative check which contradicts to the principles of effectiveness, – lawyer with the Committee Against Torture Ekaterina Vanslova comments. – In 2014, the European Court obliged Russia not only to pay a compensation for moral damage to Lyapin, but also to conduct effective investigation of the fact of torture, as well as to bring the guilty persons to responsibility. Russia had enough time to timely and initiatively open a criminal case and effectively investigate it. However, instead of this, the investigative bodies quashed the last refusal to initiate criminal proceedings based on Lyapin’s torture complaint only after a year, and again commenced to conduct pre-investigative checks, despite the ECHR opinion about their ineffectiveness. As a result, the criminal case was initiated only in March 2016, then it was repeatedly suspended and received in court only a few days before the expiry of the period of limitations. Thus, Russia repeatedly violated the right of our applicant to effective investigation, with regard to which we submitted a complaint to Strasburg on his behalf once again”.

A citizen of Sochi complained to the European Court about police torture

In May 2017, Georgiy Sveshnikov, a pupil of 11th form of Sochi school No.18, applied to the Krasnodar branch of the Committee Against Torture. He reported that on 28 April of the same year two criminal investigation officers collected him from school saying they needed to question him in a capacity of a witness and delivered him to the police station of Khosty settlement. There, according to Sveshnikov, these police officers were hitting the back of his head, his back and abdomen, forcing him to confess of theft.

– I did not sign anything at the Khostinsky Police Station, and the same officers brought me to the police station of Loo settlement. There, one of the police superiors told me: “If you don’t confess – I will stick a truncheon up your ass!” – Georgiy Sveshnikov remembers.

According to Sveshnikov, he was beaten up again, his face, head, back and abdomen were hit. At some moment Georgiy had an epileptic seizure and he lost consciousness. Medics, who arrived after call from the police officers, rendered Sveshnikov first aid.

According to Sveshnikov, after they left, he agreed to write to the police officers’ dictation a “confession”, stating that he was involved in a theft, keeping a lookout, and subsequently he confirmed this testimony with the investigator.

Later on, the criminal case with regard to Sveshnikov was dismissed due to reconciliation of the parties – he accepted his guilt, apologized to the victim and compensated the damage fully.

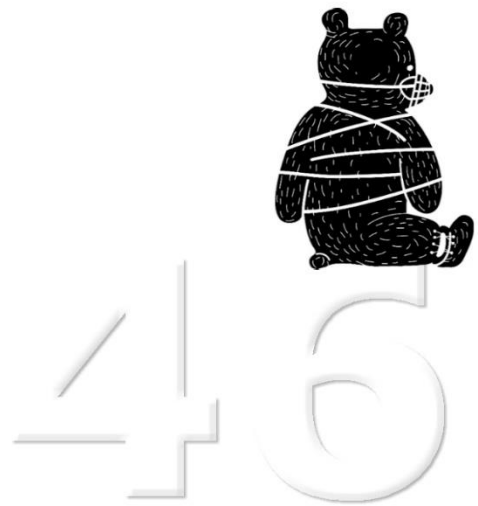
Georgiy was released from the police department with travel restrictions, and on the next day he applied to the Sochi City Hospital No.4, where he was diagnosed with “contusions of face and soft tissues of lumbar region”.

On 30 April, Georgiy lost consciousness again, and he was hospitalized to the neurological department of the City Hospital, where he was treated up to the 5th of May. After release from hospital, Sveshnikov applied with a crime report to the Investigative Committee, as well as to human rights defenders for legal assistance.

During pre-investigative check based on Sveshnikov’s police torture complaint, the investigators issued three rulings refusing to initiate criminal proceedings, two of which were subsequently quashed as premature and illegal. However, the last “refusal” was declared legal by the Prosecutor’s Office, and then by the courts of two instances.

Due to impossibility to restore Sveshnikov’s violated rights at the national level, lawyers with the Committee Against Torture applied to the European Court of Human Rights on his behalf.





of the Investigative Committee
found unlawful and annulled

Unlawful decisions of the Investigative Committee are still a major issue. Unfortunately, investigators who made omissions are very rarely face disciplinary measures. In many cases their superiors simply ignore omissions of investigators allowing them to put the brakes on torture cases without any punishment.

Russian human rights defenders submit an alternative report to the UN Committee Against Torture

In April 2018 lawyers of the Russian NGO “Committee Against Torture” submitted an alternative report as regard the RF compliance with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to the UN Committee Against Torture.

Among other things, human rights defenders have noted in the report that they still find the work of special investigating departments dealing with crimes committed by law enforcers within the Investigative Committee unsatisfactory. The structure of these departments, their headcount do not allow them to be effective given the overall number of complaints about tortures and other forms of cruel and degrading treatment. A department of three people dealing with complaints from the whole federal territory consisting of several regions can only cope with a few carefully selected cases.

Lawyers of the Committee Against Torture have also highlighted he problem of ineffective investigation into the allegations of torture. We speak about the systemic practice of issuing unlawful decisions, lack of procedural control, failure to bring to those in charge of violations to disciplinary responsibility.

The Investigating Committee to pay 10 000 rubles for ineffective work if its staff

According to Vladimir Arkhipov, at night on August 11-12, 2011 he was stopped by the traffic police. Vladimir came out of the car and produced his documents to the officer. The police two times subjected him to the breath alcohol test and told him that he was drunk without showing the results of the test. After that the police proposed that Vladimir should call someone who could help him to solve the problem. Vladimir stated that he was sober and expressed his readiness to pass a blood test. Apparently, the police was not satisfied with the answer. All of a sudden one of the officers hit Vladimir in the temple with his fist.



After that Vladimir was ordered to get into the police car and pass the test again in presence of attesting witnesses. Then the police let him out. Arkhipov got into his own car and shut the doors. One of the officers demanded that the driver should open the doors and get out. Vladimir refused to do so because he was afraid that they would beat him again. One of the officers opened the trunk door, crushed the rear seats, got inside the car and started choking Vladimir. While Arkhipov was trying to free himself, another policeman opened the door and started applying an electric shocker to him. At the same time, other traffic policemen were hitting him in the head and trunk. The last blow which made Vladimir faint was in the nose.

When Vladimir came to himself he saw that his nose was broken and his T-shirt and jeans were smeared with blood. The police were standing nearby. Vladimir asked them to call an ambulance because he suffered from incoagulability and could die of blood loss. The police noticed that the nose bleeding did not cease and threw him a cell phone. Vladimir called an ambulance which immediately took him to hospital.

The following morning Arkhipov was examined by a forensic-medical expert. The same day he was hospitalized for 10 days.

Arkhipov has provided human rights defenders with the medical documents confirming his injuries: a record stating that he has abrasions and contusions, an excerpt from his clinical record describing his injuries – a brain concussion, contusions of head and face soft tissues, as well as a record stating that Vladimir has burns and traces of electrocution on the body.

No criminal case was initiated based on Vladimir Arkhipov's complaint, and for several years already the investigative body has been performing the check, in the course of which the investigators over and over again pass illegal rulings refusing to initiate criminal proceedings, which are quashed after the complaints of the lawyers with the Committee Against Torture.

In the course of the public investigation based on Arkhipov's application, human rights defenders learned that the investigators lost his clinical record, which is crucial for conducting expert medical examination in order to establish the degree of damage inflicted to Victor. Later on the loss was confirmed during a preliminary and internal inquiry.



It should be noted that due to reluctance of the investigative authorities to perform effective investigation based on the complaints of citizens of Orenburg against torture, lawyers with the Committee Against Torture submitted complaints on their behalf to the European Court of Human Rights.

The complaint in the interests of Vladimir Arkhipov was communicated by the European Court of Human Rights on 5 July 2018.

On 16 August 2018 lawyers of the Committee Against Torture filed a suit for compensation of moral damage incurred by ineffective investigation against the Investigating Committee in the interests of Vladimir Arkhipov.

On 24 October judge of the Leninskiy district court Orenburg Artem Kirichenko sustained the claim in part awarding Arkhipov 10 000 rubles out of the 385 000 claimed.

General Prosecutor's Office will check the progress of investigations of tortures and violent deaths in the Nizhny Novgorod penal colony

Lawyers with the Committee Against Torture applied to the General Prosecutor's Office of Russia with a request to check the efficiency of the work of the investigators from Nizhny Novgorod with regard to the investigation of criminal cases on violent deaths and the check of numerous complaints of convicts in Penal Colony No.14 of the Nizhny Novgorod region. According to human rights defenders, poor performance of the investigative authorities on all these complaints requires a reaction of the supervisory authority.

Only for the period from 2011 to 2015, 184 complaints from convicts of Penal Colony #14 (Nizhny Novgorod region, Sukhovobezvodnoye settlement) were received by the Committee Against Torture and the Public Monitoring Committee for control of human rights observance at penal institutions, as well as from the victims' relatives based on facts of tortures, sexual violence, extortions, psychological pressure against them by other convicts who acted upon orders or with knowledge of head of penal colony Vasily Voloshin, or with his direct involvement.

At the present time, lawyers with the Committee Against Torture represent the victims' interests on several materials of checks and three criminal cases, initiated based on facts of violent deaths and batteries of convicts in Penal Colony No.14.

In December 2017 and January 2018 human rights defenders informed the superiors of the Investigative Department of the Investigative Committee of the Russian Federation for the Nizhny Novgorod region about inefficient work of investigators for these cases during personal appointments. Following these appointments, criminal cases on deaths of Aleksandr Kalyakin and Aleksandr Kulemin were withdrawn from the proceedings of the Semenovskiy Interdistrict Investigative Department and handed over for further investigation to regional investigative department.



However, the investigative authorities' work for any of the cases where human rights represent the victims' interests can't be called effective, still. Checking activities and preliminary investigation are conducted with significant violations, which are not timely rectified. After many years passed, for none of the above mentioned cases not a single penal colony administration officer was brought to criminal responsibility.

“Investigative Committee had enough time to conduct comprehensive, objective and full-fledged check for each of the torture reports in Penal Colony No.14. However, for reasons, unknown to us, the cases have never been brought to logical end, – lawyer with the Committee Against Torture Sergey Shounin comments. – Today we applied to head of Chief Directorate for Supervision of Investigation, Inquest and Operational Investigations of the General Prosecutor Office of Russia Valery Maksimenko. We think that time has come for the Prosecutor's Office bodies to demand from the Investigative Department of the Nizhny Novgorod region to conduct efficient investigation for each of the torture complaints and violent deaths in this penal colony”.

In June 2015, after the check which revealed “the facts of violations in official activity”, head of Penal Colony No. 14 Vasily Voloshin was dismissed from office. On 16 July 2015, criminal case was initiated against him, and in October of the same year Vasily Voloshin was added to the federal, and later on, to the international wanted lists on a charge of committing a number of crimes against property.

Igor Kalyapin's speech at the Human Rights Council session chaired by Vladimir Putin

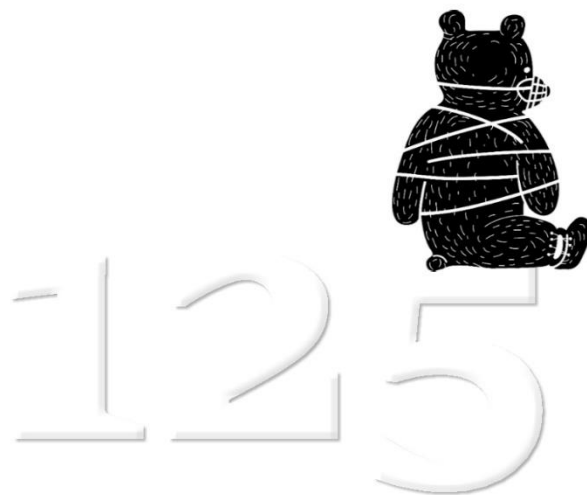
A session of the Presidential Council for Civil Society and Human Rights chaired by President Vladimir Putin took place on 11 December 2018 in the Kremlin. During the session Head of the Interregional NGO “Committee Against Torture”, Council member Igor Kalyapin made the following speech (extract):

“The topic of my speech is the problem of torture and, to be more specific, of impunity for tortures. Mikhail Aleksandrovich has made a reference to my report in his introductory speech, so I'll try to avoid repetition.

I lead a small group of lawyers which for the past 18 years has represented the interests of victims in criminal cases on the account of abuse of office. This is the way such crimes are called in our Criminal Code.

First of all, almost all of those cases began with refusals to initiate criminal proceedings issued by the Investigating Committee. However, this is not the worst. The most deplorable fact is that those refusals were issued repeatedly: five, ten, fifteen, twenty times. Quite recently in my home city – Nizhny Novgorod – a case which reached the court with two law enforcers being indicted was terminated due to the expiry of the limitation period. Ten years passed. In ten years our law enforcement system (the Investigating Committee) has not managed to administer justice.

This, unfortunately, is not the only case, we have a lot of such examples. Although, more often than not victims merely lose their patience, they come to us after, let's say some 5th or 10th refusal and tell us: "You know, guys? We just don't want to go on, we want to forget it all, we don't believe in justice any more, we don't believe that the state wants and is able to protect us, we see the opposite."



victims of torture and their relatives
underwent medical rehabilitation
and treatment for the total sum of more
than 2 million rubles

In 1998, the Prosecutor's Office of the Nizhny Novgorod region responded to human rights defenders' application concerning the police torture, with the letter, in which, among other things, it is stated: «no „facts“ of applying „torture“ are revealed on the territory of the region».

In essence, this document provided the basis for creation of the Nizhny Novgorod Committee Against Torture in 2000. Since that time, the Nizhny Novgorod Prosecutor's Office stopped using the word «torture» with quotation marks, and the notion itself became an established fact. Without quotations, either.

In the course of time, the Committee Against Torture started to work in other regions of Russia, too, using its own procedure and method of public investigations. By 2018, thanks to the organization's lawyers, 138 law-enforcement officers were convicted for the same «fact of applying torture», the existence of which was denied by the Nizhny Novgorod Prosecutor's Office.

In January 2015, the Ministry of Justice of Russia added the Committee Against Torture to the register of «foreign agents». Later on, this fate awaited the successor of the dissolved organization — the Committee for Prevention of Torture.

At the present time, the Committee Against Torture is operating under its historic name.

For information on our organization and recent news — visit our web-site

