



For: Human Rights Council
From: The Czech Helsinki Committee
Re: Submission for UPR of Russian Federation

4 October 2017, Prague

Czech Helsinki Committee Submission to the UN Periodic Review of Russian Federation

In the submission presented below, Czech Helsinki Committee addresses the situation with rights of prisoners and prison conditions in places of detention in Russian federation. Specific cases are reported to support evidence of egregious human rights violations towards prison inmates. To this end, Czech Helsinki Committee examines state of implementation of Recommendations received by Russia in the follow-up of the UPR sixteenth session in April 2013.

1. **Recommendation 140.2: Sign and ratify the Optional Protocol to the Convention against Torture. (Germany)**
2. The Optional Protocol establishes a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.
3. Human rights organisations have expressed utter concern about still on-going practices of inhuman and degrading treatment widely taking place in Russian detention facilities. Thus, when commenting on the subject situation in Russia in 2016, Amnesty International stated that torture and other ill-treatment continued to be widespread and systematic during initial detention and in prison colonies.¹

¹ Country report of Amnesty International on The Russian Federation, section “Torture and other ill-treatment”, para. 1. Report can be found on the webpage of the organisation: <https://www.amnesty.org/en/countries/europe-and-central-asia/russian-federation/report-russian-federation/>. Date of access: 27.09.2017.

4. The cases of Ildar Dadin and Murad Ragimov² who were subjected to extremely brutal acts by police officers. Both men were unlawfully deprived of liberty and denied any criminal law and procedure guarantees. That said, no effective investigation resulting in punishment of the guilty officers has been conducted. Such practices remain widespread in the country and not being addressed adequately.
5. On 1 April 2017, a report was published by independent NGOs revealing the widespread use of torture in Russian penal colonies K-7, IK-1 and LIU-4 in the Republic of Karelia.³ According to the information given, at the moment there are several dozens inmates incarcerated in the mentioned colonies, who complain on torture.
6. Even though complaints have been numerous submitted to public local prosecution offices, particularly to I.A. Khrapchenkov and A. Ivlev, the latter have not adequately reacted to the complaints and did not take any action as prescribed by relevant legislation of Russian Federation.⁴
7. Joining the Optional Protocol to CAT will establish the system of regular and unrestricted visits by the Subcommittee. Permanent monitoring by an independent international body will provide more transparency into the situation in prisons, as well as put a pressure on the state to comply with its human rights obligations. Besides, the initial confidential nature of the Subcommittee's report will facilitate a closer and more willing cooperation between the State and international body to elaborate improvement of penitentiary system.
8. **R - 140.105: Take immediate steps to effectively eradicate and remedy widespread and systematic administrative practices of torture and ill-treatment, especially in detention facilities, suppression of the rights to assembly and freedom of expression, including media freedom and safety of journalists, and of control of judiciary by the executive in line with the United Nations treaty monitoring bodies' recommendations (Georgia)**
9. Despite the call of the international community to stop torture of prison inmates as well as unlawful detention of persons, in the follow-up period Russian Federation has demonstrated its disregard to international human rights standards.
10. In its annual country reports the U.S. department of State reiterated widespread and systematic practices of ill-treatment in Russian prisons. They lavishly refer to

² Anti-government protesters were detained in a Karelian colony, where they were severely subjected to beating, physical and psychological oppression. The news, revealing the blatant situation in the colony, have been lavishly reported on the media throughout the world. <https://www.theguardian.com/world/2016/nov/01/russian-dissident-ildar-dadin-accuses-prison-staff-torture-death-threat>.

³ The report "Torture in Karelia", dated 01.04.2017, is published on the online platform of independent NGOs collecting evidence of torture and ill-treatment, as well as the overall situation in Russian detention facilities.

⁴ According to art. 27 of the Law on Public Prosecution in Russian Federation, the prosecutor is obliged to consider submissions, complaints and other information about violation of human rights and liberties, clarify to the victims the order to seek redress for those, take measures to prevent and stop violations of rights and freedoms, and investigate persons involved in conducting violations.

allegations of torture and excessive force by law enforcement officers that sometimes led to deaths.⁵

11. Besides, in the aftermath of numerous political protests, a number of individuals have been detained on fabricated charges and held in conditions amounting to inhuman and degrading treatment in the light of the Convention against Torture and international prison rules.
12. ***The Russian Foundation In Defence of Rights of Prisoners⁶ demonstrated a video of tortures in Sverdlovsk colony IK-2, obtained with the help of covert footage. The video depicts severe punishments and brutal treatment of prison inmates by the penal colony employees.⁷ The use of corporal punishments and humiliation of prisoners takes places on a routine basis, according to the files obtained.***
13. **Recomendation of Czech Helsinki Committee no. 1: Investigate persons involved in torture and ill-treatment of inmates of places of confinement and punish those guilty in committing the crimes according to sanctions enshrined by Penal Code of Russian Federation.**
14. Under Article 12 of UNCAT there is a duty of prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed.⁸
15. Multiple complaints submitted to public prosecution authorities about instances of torture in penal colonies K-7, IK-1 and LIU-4 in the Republic of Karelia, as well as the visual evidence fixed in the video from Sverdlovsk penal colony IK-2 should trigger investigation of alleged acts of inhuman and degrading treatment and torture. Persons involved in the aforementioned acts should be brought to justice through the criminal procedure order regulated by Russian law.
16. Reports of the U.S Department of state and Amnesty International in line with multiple reports of independent Russia-based NGOs, in this submission, demonstrate a sheer lack of action by the state. By lack of adequate action and failure to investigate incidents, the state exposed persons in question to physical and moral suffering caused by the inmates.
17. The government failed to take adequate steps to prosecute or punish most officials who committed abuses, resulting in a climate of impunity.⁹

⁵ Bureau of Democracy, Human Rights and Labor of the U.S. Department of State, Country Reports for Human Rights Practices for 2016: Russia.

Access: <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

Date of access: 27.09.2017.

⁶ The Foundation In Defence of Rights of Prisoners is a Russia-based NGO was established in 2006 to focus on monitoring places of confinement, providing legal assistance to incarcerated persons and establishing cooperation with public authorities and civil society to address the issues of penitentiary system in Russia. Official website of the Foundation: <http://www.zashita-zk.org/9F33175>.

⁷ The video went viral and was reported by a number of independent media resources, particularly, radio Free Europe: <https://www.rferl.org/a/brutal-russian-prison-torture-videos-spark-investigation/27560609.html>; online news platform 66.ru: <https://66.ru/news/incident/182224/> and other media.

⁸ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on 10 december 1984 by UN General Assembly resolution 39/46. United Nations, Treaty Series, vol. 1465, p. 85.

⁹ Supra note: 5.

18. **Recomendation of Czech Helsinki Committee no. 2: Provide prisons and penal colonies with adequate medication and give necessary medical aid to persons in need with no discrimination.**
19. In addition to the so-called classical ill-treatment practices actively applied by police officers and prison authorities, Amnesty International points out to extremely poor provision of prisons with facilities to maintain adequate life and health conditions of inmates. During the course of the year the European Court of Human Rights found in 12 cases that prisoners in Russia had been subjected to torture or other ill-treatment because of failure to provide adequate medical care in prisons and pre-trial detention centres.
20. During the course of the year 2016 the European Court of Human Rights found in 12 cases that prisoners in Russia had been subjected to torture or other ill-treatment because of failure to provide adequate medical care in prisons and pre-trial detention centres.
21. On 27 April 2016, in a report to the Federal Council, the Prosecutor General stated that lack of antiretroviral drugs in prisons was placing at risk the lives of prisoners living with HIV. According to a report by the NGO Zona Prava¹⁰, released in November 2016, prison health services were critically underfunded, resulting in shortages of antiretroviral drugs for treating HIV. The report also found that many conditions were only diagnosed at the critical stage, and medical staff who were employees of the Prison Service were not sufficiently independent. The law in principle allowed for early release on health grounds, but this was granted in only one in five cases where the prisoner requested early release.¹¹

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¹⁰ NGO Zona Prava, Non-governmental report “Prison Medicine in Russia”, released jointly with the Russian media channel RBK in November 2016. Report can be downloaded in Russian through: <http://www.rbc.ru/politics/16/11/2016/5829d31e9a794759babb6bf6>.

¹¹ Ibid, section “Failure to provide adequate medical care”, para. 1.