

# Russian Federation

## 4th CYCLE UNIVERSAL PERIODIC REVIEW

### Topic:

Prohibition of torture  
and ill-treatment in  
detention



Public Verdict Foundation

## **Recommendations** (FROM PREVIOUS UPR CYCLES )

To ensure effective (thorough, prompt, and impartial) investigation of all reports of torture and ill-treatment originating from places of deprivation of liberty (penal colonies, pre-trial detention centers, and temporary detention centers)

Russia agreed with and accepted these recommendations

# What has changed?

In 2022, Russia criminalized torture

**But** rather than being defined under a dedicated separate article (UN CAT Recommendation), this offence is included as a section within the existing article on "abuse of authority"

**Problem:** torture is categorized as a form of abuse of authority.

**But** torture involves intentional and premeditated infliction of extreme suffering, rather than legitimate authority which can be exceeded to lead to torture.

# Criminalisation of torture

Criminalization does not adhere to the principles outlined in Article 1 of the UN Convention against Torture

Problems:

- there is a statute of limitations for torture
- condoning torture, tacit consent to torture, and incitement to torture are not included in the scope of criminalization
- Instead of separate article — two offences:
  - abuse of authority involving the use of violence (Article 286, part 3, of the Criminal Code)
  - abuse of authority involving torture (Article 286, part 4, of the Criminal Code)

**Criminal investigators must choose between the two options which can be difficult to tell apart. This situation is conducive to manipulation and make obstacles to effective investigation.**

# What has remained unchanged?

Persistent practice of torture

Lack of published data on torture

Lack of access to evidence of torture

Documentation of torture

Institutional torture

# Lack of published data on torture

Official data regarding the number of torture complaints, initiated criminal cases, investigated instances, and convictions are not available. Separate records are maintained by law enforcement agencies, but these data are not published

*from Russia's most recent periodic report submitted to the UN Committee against Torture in December 2022: in 2021, a total of 575 people were convicted of abuse of authority, with aggravating circumstances, (in 2020, there were 503 convictions, and in 2019, there were 626)*

These data are indirect and reflect the courts' practice in cases of abuse of authority

It is impossible to discern which government agencies' officials engaged in the abuse of authority and what portion of these "abuse of authority" cases specifically involved torture

**The absence of detailed statistics prevents government agencies from conducting effective monitoring and promptly designing measures to counteract and prevent acts of torture.**

# Evidence of torture

**Potential perpetrators of torture and ill-treatment of prisoners maintain a virtual monopoly over access to all evidence of torture and all its witnesses**

Prosecutor's Office requested to be given access to video records made at penitentiary facilities in real time. The Prosecutor General's Office proposed connecting prosecutors to CCTV systems at penal colonies and pre-trial detention centers. A relevant bill was anticipated to be introduced in the summer of 2022, but this did not happen.

Medical professionals are no longer under the direct authority of the heads of penitentiary facilities, but they are still affiliated with the Federal Penitentiary Service and lack independence. This **undermine the goal of identifying and documenting injuries and other evidence of ill-treatment and torture**

# Institutional torture

- SHIZO - punishment cell where a prisoner is typically subjected to complete isolation.
- The legally prescribed procedure of appointing the penalty is excluded from any judicial review. The regulations placing a prisoner in a punishment cell for up to 15 days.
- **The prison administration is free to extend an inmate's term in SHIZO, effectively imposing a regime of strict isolation, which is not authorized by a court, for an indefinite period.**
- Subjecting an individual to prolonged strict isolation constitutes cruel treatment in and of itself
- The practice of placement in SHIZO is widespread. This practice is enabled by the current legislation and institutionally incorporated into the operation of the Russian penitentiary system.



# Recommendations

- The definition of torture should be aligned with the provisions of Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- The government should institute a systematic monitoring process of both the occurrence of torture and the efficacy of the state's torture response mechanism. The relevant data should be made publicly available.
- The prosecutor's offices should be given access to CCTV systems in penitentiary facilities.
- Sign, ratify and implement the Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2022 edition)
- The medical service reform should lead to a complete transfer to the Ministry of Health.
- Any in-prison punishment which involves strict solitary confinement in a locked cell for more than one day must be subject to a judicial procedure.