

**Report
to the Russian Government**

**on the visit to the North Caucasian region
of the Russian Federation
carried out by the European Committee
for the Prevention of Torture
and Inhuman or Degrading
Treatment or Punishment (CPT)**

from 27 April to 6 May 2011

The Russian Government has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2013) 2.

Note:

In accordance with Article 11, paragraph 3, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, certain names have been deleted.

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Copy of the letter transmitting the CPT's report

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Plenipotentiary
Permanent Representative of the
Russian Federation
to the Council of Europe
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Strasbourg, 15 July 2011

Dear Ambassador

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I enclose herewith the report to the Russian Government drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) after its visit to the North Caucasian region of the Russian Federation from 27 April to 6 May 2011. The report was adopted by the CPT at its 75th meeting, held from 4 to 8 July 2011.

The various recommendations, comments and requests for information formulated by the CPT are listed in Appendix I. As regards more particularly the CPT's recommendations, having regard to Article 10 of the Convention, the Committee requests the Russian authorities to provide **within three months** a response giving a full account of action taken to implement them. The CPT trusts that it will also be possible for the Russian authorities to provide in that response reactions to the comments formulated in the report as well as replies to the requests for information made.

The CPT would ask, in the event of the response being forwarded in the Russian language, that it be accompanied by an English or French translation.

I am at your entire disposal if you have any questions concerning either the CPT's visit report or the future procedure.

Yours faithfully

Latif Hüseyinov
President of the European Committee for
the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment

I. INTRODUCTION

A. Dates of the visit, composition of the delegation and places visited

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “the Convention”), a delegation of the CPT visited the North Caucasian region of the Russian Federation from 27 April to 6 May 2011. The visit was one which appeared to the Committee “to be required in the circumstances” (see Article 7, paragraph 1, of the Convention) and was the CPT’s 12th visit to this part of the Russian Federation since 2000.¹

2. The visit was carried out by the following members of the Committee:

- Lətif HÜSEYNOV, President of the CPT (Head of delegation)
- Marija DEFINIS-GOJANOVIĆ
- Mykola GNATOVSKYY
- Mauro PALMA
- Jean-Pierre RESTELLINI

who were supported by the following members of the Committee’s Secretariat:

- Trevor STEVENS (Executive Secretary of the CPT)
- Borys WÓDZ (Head of Division).

They were assisted by:

- Galina ERMAKOVA (interpreter)
- Stanislav KULD (interpreter)
- Ernesto GARSIIYA MELIKHOV (interpreter)
- Pavel PALAZHCENKO (interpreter).

¹ The previous visits took place from 26 February to 4 March 2000, from 20 to 27 April 2000, from 18 to 23 March 2001, from 31 January to 7 February 2002, from 24 to 29 May 2002, from 23 to 28 May 2003 (all concerning the Chechen Republic), from 24 November to 1 December 2004 (regarding the Chechen Republic and the Republic of Ingushetia), from 25 April to 4 May and from 4 to 10 September 2006 (concerning the Chechen Republic, and the Republics of Dagestan and Ingushetia), from 27 March to 3 April 2008 (concerning the Republics of Ingushetia and Kabardino-Balkaria), and from 16 to 24 April 2009 (concerning the Chechen Republic and the Republic of Ingushetia).

3. The delegation visited the following places of deprivation of liberty:

Republic of Dagestan

- Khasavyurt City Internal Affairs Division and IVS (temporary detention facility)
- Kizilyurt City Internal affairs Division and IVS
- IVS of the Department of Internal Affairs of the City of Makhachkala
- Makhachkala Internal Affairs Division for Transport (LUVD)
- Centre for Combating Extremism of the Ministry of Internal Affairs for the Republic of Dagestan, Makhachkala
- Directorate of the Federal Drug Control Service (FSKN) for the Republic of Dagestan, Makhachkala
- SIZO No. 1, Makhachkala

Chechen Republic

- IVS of the Ministry of Internal Affairs of the Chechen Republic, Grozny
- IVS of the Temporary Operational Task Force of Agencies and Units (VOGOiP) of the Ministry of Internal Affairs of Russia, located on the premises of the Operational/Search Bureau (ORB-2) of the Main Department of the Ministry of Internal Affairs responsible for the North Caucasian Federal District, Grozny
- Leninskiy District Division of Internal Affairs and IVS, Grozny
- Zavodskoy District Division of Internal Affairs and IVS, Grozny
- SIZO No. 1, Grozny

Republic of North Ossetia-Alania

- Prigorodnyi District Division of Internal Affairs and IVS, Oktyabrskoye
- IVS of the Ministry of Internal Affairs for the Republic of North Ossetia-Alania, Vladikavkaz
- Department of Internal Affairs for the City of Vladikavkaz
- District Division of Internal Affairs No. 2, Vladikavkaz
- SIZO No. 1, Vladikavkaz
- Federal SIZO No. 6, Vladikavkaz.

Further, in the context of allegations of the unlawful detention of persons, the delegation visited the Headquarters of the Special Purpose Police Unit (OMON) of the Ministry of Internal Affairs for the Chechen Republic, located in Grozny at 227, Bohdan Khmelnytsky Street.

B. Context of the visit

4. In the months preceding the visit, the CPT received a considerable amount of information pointing to a general deterioration of the security environment in the Republic of Dagestan. In parallel, numerous reports were received about the allegedly widespread resort to torture and other forms of ill-treatment of persons detained by various law enforcement agencies in the Republic. In the same context, several reports referred to practices of unlawful detention, detention in unofficial places and abductions, allegedly carried out by members of the law enforcement agencies. Similar reports have continued to be received as regards the Chechen Republic.

Furthermore, the Committee received information according to which the above-mentioned matters (i.e. alleged torture and other forms of ill-treatment, unlawful detentions and abductions) were often not investigated effectively by the competent services of the Russian Federation, or could not be so investigated due to lack of co-operation from law enforcement agencies. As regards more specifically the Chechen Republic, the CPT received materials in which senior officials of the investigative and prosecutorial services of the Russian Federation acknowledged the existence of a serious problem in this respect².

5. In the light of the above, the CPT decided that it was necessary to return to these two Republics in order to verify the situation on the spot and examine the steps taken to implement recommendations made after previous visits, aimed at remedying the serious violations observed.

The opportunity was also taken to examine the situation in the Republic of North Ossetia-Alania, a Republic which previously had received relatively little attention from the CPT.

6. In the course of the visit, the delegation focused its attention on the treatment of persons deprived of their liberty by law enforcement agencies in the three Republics, and discussed with the relevant authorities in the region the carrying out of investigations vis-à-vis allegations or information indicative of ill-treatment of detained persons by law enforcement officials. The delegation also took the opportunity to review conditions of detention in the main pre-trial establishments (SIZOs) in each of the three Republics.

C. Meetings held and co-operation encountered

7. During the visit, the CPT's delegation held discussions with the Head of the Republic of Dagestan, Mr Magomed salam MAGOMEDOV. Further, the delegation met the Minister of Internal Affairs for the Republic of Dagestan, Mr Abdurashid MAGOMEDOV, and the Minister of Internal Affairs for the Chechen Republic, Mr Ruslan ALKHANOV, as well as the Acting Minister of Internal Affairs for the Republic of North Ossetia-Alania, Mr Kazbek BEKMURZOV.

The delegation had the opportunity to meet the leadership of the Prosecution Service, Investigative Committee and Directorate of the Federal Service for the Execution of Punishments (FSIN) in each of the three Republics, and met doctors from the Bureaux of Forensic Medicine in the Republic of Dagestan and the Chechen Republic.

The delegation also welcomed the opportunity to discuss matters falling within the CPT's mandate with the Chairman of the Council of the President of the Russian Federation on Development of Civil Society and Human Rights, Mr Mikhail FEDOTOV.

² See for example pages 3 to 7 of www.sledcom.ru/upload/iblock/263/y mh-2s8h-2010.pdf, and the letter dated 17 August 2010 (reference No. 396/201/2-191-10) sent by Mr Ledenev, Head of the Investigative Directorate for the Chechen Republic of the Investigative Committee of the Russian Federation to Mr Alkhanov, Minister of Internal Affairs for the Chechen Republic. This is discussed in further detail in paragraph 25 below.

Meetings were held with representatives of various non-governmental organisations active in areas of interest to the CPT, including the Committee Against Torture, Human Rights Watch, Memorial and Russian Justice Initiative. Further, in the Republic of Dagestan, the delegation met several lawyers and relatives of alleged victims of torture and other forms of ill-treatment by law enforcement officials.

8. The level of co-operation extended to the delegation in the course of the visit by the *Federal Service for the Execution of Punishments (FSIN)* was generally good; in particular, the Committee is grateful for the transport and security arrangements provided during the visit. Co-operation on the level of the FSIN directorates in the three Republics and in the establishments visited was also, on the whole, of a high level.

That said, at SIZO No. 1 in Makhachkala and SIZO No. 1 in Vladikavkaz, attempts were made to mislead the delegation about the recent use of, respectively, quarantine and disciplinary cells; further, at the latter establishment, information about an inmate apparently admitted to the SIZO with serious injuries was erased from the relevant register. In this connection, **the CPT must again stress that the principle of co-operation encompasses the obligation to provide accurate information to the Committee and refrain from deceptive action of the kind referred to above.**

Further, several inmates interviewed in the SIZOs visited were clearly afraid to speak with the delegation, and some of them (in particular in Makhachkala and Grozny) stated that they had been warned by staff not to make any complaints to the delegation. **The Committee calls upon the Russian authorities to prevent any kind of intimidating or retaliatory action against detained persons before or after they have spoken to a CPT delegation.**

9. As regards *establishments under the authority of the Ministry of Internal Affairs*, the delegation generally encountered no problems with access to the places, detained persons and relevant documentation, with the notable exception of the Centre for Combating Extremism in Makhachkala. The delegation's access to this establishment was only granted after approximately one hour, following numerous interventions. The delegation also had to wait for nearly 30 minutes before being allowed to visit the Internal Affairs Division for Transport (LUVD) in Makhachkala. Such delays are not in accordance with the provisions of Article 8, paragraph 2 (c), of the Convention. **The CPT once again urges the Russian authorities to take the necessary steps to ensure that such incidents do not occur during future visits.**

Further, the lists of places of detention provided by the Federal Ministry of Internal Affairs were again far from being complete. In particular, neither the Internal Affairs Divisions in the region nor the IVS on the premises of ORB-2 in Grozny³ were included in the list. In this context, **the CPT wishes to recall yet again that the mandate of the Committee covers all places where persons might be deprived of their liberty by a public authority, even for a short period of time (e.g. a few hours). This is also the case for establishments run by other State agencies, such as the Federal Drug Control Service (FSKN) and the Federal Security Service (FSB).**

³ See also paragraph 22.

10. The CPT must also express its strong disapproval of the fact that the Head of the FSB Directorate for the Republic of Dagestan refused to meet the delegation, despite a request for such a meeting having been made in the notification letter sent a month in advance of the visit. Such a dismissive attitude is entirely unacceptable. **The Committee requests that the necessary steps be taken to ensure that, in the future, the management of FSB Directorates engage in a constructive manner with CPT visiting delegations, in accordance with the principle of co-operation laid down in Article 3 of the Convention establishing the CPT.**

11. In the visit notification letter of 29 March 2011, the President of the CPT, Mr Lətif HÜSEYNOV, informed the Russian authorities of the delegation's wish to present its end-of-visit preliminary observations in particular to Deputy Prime Minister Mr Alexander KHLOPONIN, Plenipotentiary Representative of the President of the Russian Federation in the North Caucasian Federal District. Further, in the light of its findings in the Republic of Dagestan and the Chechen Republic, the delegation informed the authorities on 2 May 2011 that it would like to meet the Chairman of the Investigative Committee of the Russian Federation, Mr Alexander BASTRYKIN. However, neither Mr Khloponin nor Mr Bastrykin was available for a meeting with the delegation. In addition, the Ministry of the Interior and the Investigative Committee were not represented at a very senior level at the end-of-visit talks on 6 May 2011.

Under these circumstances, during the above-mentioned meeting in Moscow on 6 May 2011, chaired by Deputy Minister of Justice of the Russian Federation, Mr Alexander SMIRNOV, the CPT's delegation decided to provide its preliminary observations only as regards the pre-trial establishments visited. The Russian authorities were informed that the delegation intended to return to Moscow at a later stage, in order to present its findings as regards the activities of law enforcement agencies in the Republic of Dagestan, the Chechen Republic and the Republic of North Ossetia-Alania, and investigations into possible ill-treatment by members of such agencies. Indeed, the findings of the delegation in relation to these issues are of such gravity that it was considered they should be presented directly to – and discussed with – interlocutors at the highest possible level.

12. The Committee has now proposed that high-level talks between CPT representatives and the Minister of the Interior, Mr Rashid NURGALIEV, the Chairman of the Investigative Committee of the Russian Federation, Mr Alexander BASTRYKIN, and members of the Presidential Administration responsible for the North Caucasian Federal District and/or law enforcement issues in general, be organised during the week of 29 August to 2 September 2011. This will enable all relevant issues to be discussed in depth, on the basis of the visit report, and should facilitate the preparation of the Russian authorities' response to the report.

Having regard to the principle of co-operation laid down in Article 3 of the Convention, the Committee trusts that this proposal will be accepted by the Russian authorities, and very much hopes that the talks will have a fruitful outcome.

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

A. Law enforcement agencies

1. Torture and other forms of ill-treatment

13. In the course of the visit, a significant proportion of the detained persons interviewed by the CPT's delegation made allegations of recent ill-treatment by law enforcement officials. The ill-treatment alleged was frequently of such severity as to amount to torture; this was particularly the case in the Republic of Dagestan and the Chechen Republic, although some very serious allegations were also received in the Republic of North Ossetia-Alania.

In the vast majority of cases, the torture/severe ill-treatment was said to have been inflicted at the time of questioning by operational officers, either during the initial period of deprivation of liberty or (and) during periods when remand prisoners were returned to the custody of law enforcement agencies for further investigative purposes, with a view to obtaining confessions or information.

Consistent and often highly-detailed accounts of such treatment were received from persons interviewed individually who had had no possibility of contacting each other. It should also be noted that a number of the persons interviewed by the delegation were clearly reluctant to speak about their experiences whilst in the custody of law enforcement agencies or other security structures, and only did so after much hesitation.

14. In a considerable number of cases, the delegation gathered medical evidence (e.g. in the relevant records in the SIZOs and IVS facilities visited, and in forensic medical reports) that was fully consistent with recent torture or other forms of severe ill-treatment.

Further, some of the allegations received were corroborated by the delegation's own medical observations. In particular, forensic medical members of the delegation observed lesions on various parts of the bodies of several persons, that were fully consistent with their claims of having recently been subjected to electric shocks in the course of questioning by law enforcement officials.

15. Although the information gathered by the CPT's delegation indicates that resort to ill-treatment is particularly prevalent in respect of persons suspected of offences under Sections 205, 208, 209 and 222 of the Criminal Code (CC)⁴, the phenomenon is certainly not limited to such persons. A number of persons accused of drug-related offences or theft, robbery and the like alleged that they had been severely ill-treated by law enforcement officials, and medical evidence consistent with some of those allegations was gathered. Once again, the picture emerged that any detained persons who do not promptly confess to the crimes of which they are suspected, or provide information being sought, are at high risk of torture or other forms of ill-treatment.

⁴ i.e. terrorism, participation in illegal armed formations, banditism and illegal possession of weapons.

16. As had been the case during previous visits to the Russian Federation, no allegations or other evidence were received of ill-treatment by staff working in IVS facilities in the three Republics visited. That said, it is self-evident that in some cases staff of the IVS concerned were aware that detained persons transferred to the facility had most probably been the subject of torture/severe ill-treatment but did not react, apart from providing first aid (or, if appropriate, refusing entry to the IVS in order for the person concerned to be taken to a hospital).

17. In the following paragraphs, descriptions are given of some cases from each of the three Republics visited, in which the delegation received credible allegations of torture/severe ill-treatment and found evidence of injuries that were consistent with those allegations.

It should be stressed that these cases are but a small selection of those found by the delegation in the Republics visited, in which the findings were clearly indicative of torture/severe ill-treatment by law enforcement officials. The CPT is ready to discuss further its findings in individual cases, in the context of its ongoing dialogue with the Russian authorities, provided that doing so will not expose the persons concerned to the risk of reprisals.

Cases from the Republic of Dagestan

I. Mr A said that he was apprehended on 13 April 2011 in a village in the south of the Republic and subsequently brought to Makhachkala. He alleged that during a two-day stay in a location which he could not identify⁵, he was the subject of multiple forms of ill-treatment, and in particular blows to the chest region and the head, and the infliction of electric shocks. As regards more specifically the latter, he alleged that he was made to sit on an armchair and that his arms were attached to the arm rests by means of adhesive tape. Subsequently, an electric wire was attached to the 5th finger of each of his hands, and he was subjected to electric shocks. Reportedly, he was left in this position overnight and was then subjected to further electric shocks the following day, including to his hands, tongue and genitals, by means of a hand-held device. According to Mr A, when he was subsequently brought before an investigator, on 16 April 2011, he had visible marks of ill-treatment on his face and his hands, but the investigator did not ask him about the origin of his injuries.

Upon his arrival at the IVS in Makhachkala, on 16 April 2011, he was examined by a feldsher, and according to the relevant register he presented: “bluish haematomas under both eyes and reddish excoriations around both thumbs as well as on the nose”. It was also recorded in another register in the IVS that Mr A alleged that he had been ill-treated.

⁵ According to the records consulted by the delegation, Mr A was arrested on 16 April 2011 at 7.45 pm, and transferred to the IVS in Makhachkala. The delegation met briefly the investigator who had drawn up the protocol of detention; he said that Mr A had been brought to the Investigative Committee from the Centre for Combating Extremism.

A medical examination performed upon his arrival at SIZO No. 1 in Makhachkala on 26 April 2011 revealed the presence of haematomas under both eyes and excoriations on the back side of both hands, covered by brownish crusts measuring approximately 0.5 mm x 0.5 cm. Further, the presence of red-coloured abrasion on the nose, measuring some 0.3 x 3 cm, was noted. The medical record contained the statement of the prisoner according to which he had been beaten by the police and that “electric current had been applied to him”. This information had also been subsequently recorded in the register of cases of traumatism to be reported to the competent authorities.

Upon examination by one of the delegation’s forensic medical specialists, performed on 28 April 2011 (i.e. some two weeks after the alleged facts), the presence of numerous punctiform lesions was noted on both of Mr A’s hands (some of them infected). *These lesions were fully consistent with the allegations of application of electric shocks.*

II. Mr B said that he was apprehended in April 2011 and subsequently brought to Makhachkala. During a two-day stay in a location which he could not identify, he claimed to have been kicked, struck with wooden objects and subjected to electric shocks (wires having been put around his fingers and toes); he was also reportedly threatened that electricity would be applied to other parts of his body. According to Mr B, when he was brought before an investigator, he had visible marks of the ill-treatment on his face and his fingers, but the investigator did not ask him about the origin of his injuries.

Upon examination by one of the delegation’s forensic medical experts, he was found to display inter alia: on the right and left hand, on the dorsal side of the 1st to 3rd and 5th fingers, several punctiform abrasions which were red in colour, grouped on the surface, of 2 to 3 mm x 3 to 4 mm; the same was observed on the toes. *These lesions were consistent with the infliction of electric shocks at the alleged time.*

III. Mr C said that he was apprehended in April 2011 and subsequently held in a location which he could not identify. He alleged that his hands were fastened behind his back with adhesive tape and that he was placed on the floor with a chair on top of him and subjected to electric shocks (first via something like a prod placed on his hands, feet, neck and gluteal region, and then through wires placed on the little finger of each hand).

He claimed that, when brought before an investigator in the evening of the next day, he refused to sign the statement that had been prepared and complained to the investigator about the fact that he had been ill-treated. Apparently, the investigator did not react to his complaint and he was taken back to the original location. At this point, he said that he agreed to make a confession but that he was nevertheless beaten.

Upon examination by one of the delegation’s forensic medical experts, he was found to display: on both knees, scabs of up to 1 cm in diameter; on both lower legs, at the front side, a few small scabs; on both gluteal regions, several flat erythematous circular lesions which were reddish in colour, some 0.4 cm in diameter, some of them located in pairs, with a very similar distance between them, of approximately 3 – 4 cm. *The lesions observed were consistent with the allegations made and, more specifically, those in the gluteal regions were consistent with the infliction of electric shocks at the alleged time.*

IV. Mr D said that he was apprehended in November 2010 and taken to a police establishment, where he was handcuffed and a bag was put over his head. He alleged that he was then beaten all over his body and subjected to electric shocks to his fingers, toes and genitals, via wires attached to these parts of his body. He claimed that he was also threatened with rape by means of a bottle.

A forensic examination was performed later the same month and the report contained *inter alia* the following conclusion: “haematomas and excoriations of face; lesions (1 x 0.2 cm and 0.8 x 0.2 cm) on the back of both thumbs and both wrists and on his left knee; bruises of left lower leg; *injuries might have been inflicted at the time and under the circumstances as described by [Mr D]*”.*

V. Mr E said that he was apprehended in November 2010. He claimed that he was detained when his car was stopped at a check point, and taken hooded and handcuffed to a law enforcement establishment. He alleged that his ankles were tied to a chair and that he was beaten with wooden sticks, after which he was subjected to electric shocks by means of wires wrapped around his fingers.

A forensic examination was performed later the same month and the report contained *inter alia* the following objective findings: “symmetrical reddish excoriations of both thumbs and lower leg; haematomas under both eyes; thoracic pains”, and the following conclusion: “haematomas of face; abrasions of outer side of thumb of both hands, 1 x 0.2 cm and 0.8 x 0.2 cm; bruises of left lower leg; *injuries might have been inflicted at the time and under the circumstances alleged by [Mr E]*”.*

Cases from the Chechen Republic

VI. Mr F said that he was apprehended in March 2011 and taken to a location which he could not identify, where he alleged he was subjected to the following ill-treatment: as he was lying on the floor, face down and handcuffed, electric shocks were applied to him (by means of wires attached to his little fingers and little toes) and he was struck several times on the back and legs with what he thought was a wooden stick.

The register of medical examinations on admission to SIZO No. 1 in Grozny contained the following data concerning Mr F: “complaints about kidney pain; upon examination, both legs with vast haematomas, some in the vicinity of upper middle third of upper leg and on lower third of thigh, yellow brown in colour, painful on palpation”. The act drawn up by the doctor on the same occasion stated as follows: “injuries sustained during apprehension [...]; both lower extremities show vast haematomas”.

Upon examination by one of the delegation’s forensic medical experts, visible burns in the form of red ligatures, 2 mm in width, were observed on the parts of his body where electric shocks had allegedly been applied. *The above-described lesions were fully consistent with the infliction of electric shocks at the alleged time.*

* Italics added by the CPT

VII. Mr G said that he was detained on 19 September 2010, not on 25 September 2010 as indicated in his administrative file. He and his cousin were apparently apprehended, placed into a car with their faces covered, and driven to a private house in the Staropromyslovskiy District of Grozny, in the Katayama settlement, where they were kept until 24 September 2010.

He said that he had been kept in the bathhouse, and his cousin in the kitchen. He was reportedly lying on the floor handcuffed (or chained) to a pipe. Mr G alleged that he and his cousin were ill-treated both in that private house and later at the Staropromyslovskiy District Division of Internal Affairs. He said that he was unable to give a complete account of all the types of ill-treatment applied, as some of the things that were done to him were too humiliating.

The types of ill-treatment Mr G was prepared to talk about included:

- 1) electric shocks through three means: use of an electric shock device; use of a device resembling a military field phone; wire connected to the electricity network (220 V). Electricity was said to have been applied to his fingers, toes, ears and groin. Apparently, the lesions from the electric shocks to the little toe of his right foot became infected and, as a result of the necrosis, the toe had to be amputated at a nearby military hospital;
- 2) severe beatings (kicks and punches);
- 3) putting a plastic bag on his head to block the flow of oxygen;
- 4) pouring boiling water on his feet;
- 5) squeezing handcuffs while putting them lower than the wrists and fixating them in such a position for several days;
- 6) threats that he would be raped/sodomised and that it would be filmed and the video distributed among people who knew him.

During the above-mentioned period, he and his cousin apparently signed a number of documents. He said that he was given a sheet of paper where his “confession” was printed and was instructed to memorise it and then to recite it to the investigator unless he wanted his relatives to be killed.

According to Mr G, he was also ill-treated in December 2010, after having been returned to the Staropromyslovskiy District Department of Internal Affairs from SIZO No. 1 in Grozny; he alleged that, on this occasion, the ill-treatment included suffocation with a plastic bag and the infliction of electric shocks to the fingers, toes and groin region. He was reportedly forced to sign a statement that all his injuries had either been sustained in a fight or self-inflicted, and that he had no complaints against the police. Nevertheless, Mr G and his cousin, who made similar allegations, filed a formal complaint describing the ill-treatment to which they said they had been submitted.

Mr G arrived at SIZO No. 1 in Grozny for the first time on 15 October 2010. After the medical examination the doctor drew up an act refusing to accept him due to numerous injuries that required emergency treatment. The act contained the following information: “Pains – right foot; postoperative wound – amputation of the 5th toe. Haematoma – right popliteal joint. Traces of burns: in and around the left foot, left ankle joint”.

Mr G was finally admitted to the SIZO on 18 October 2010. The protocol of his medical examination upon admission provides the following information: “On the right leg in and around the longitudinal muscle on the lateral side there is a haematoma purple in colour, approximately 5 x 8 cm. In and around the ankle joint of the left leg there are traces of burns by liquid, measuring 5 x 12 cm. On the right leg in and around the anterior surface of the crus in the lower third of the leg there are traces of burns dark purple in colour, approximately 15 x 10 cm. In and around the right ankle joint and foot there are traces of burns, parts of the foot are purple in colour. Traces of amputation of the 5th toe of the right foot that took place on 6 October 2010”.

On 29 December 2010, when Mr G was returned to the SIZO from the Staropromyslovskiy District IVS, the protocol of his medical examination in his personal file as well as an entry in the “Register of returned detainees” contained inter alia the following information: “On the left side of the groin area there are traces of lesions of skin (burns) resulting from the application of electric current, approximately 1.5 cm. On the medial surface of the right shoulder, towards the antecubital fossa, there are traces of haematomas brown in colour measuring 3; 5; 6 cm, painless. On his hands, on the wrists there are traces of handcuffs covered by crust.”

The above-mentioned injuries recorded in the medical documentation at SIZO No. 1 in Grozny were fully consistent with Mr G's allegations. Further, the examination performed on 1 May 2011, some four to six months after the alleged ill-treatment, by one of the forensic medical experts of the delegation, also revealed the *presence of lesions fully consistent with certain of his allegations*; in particular: traces of burns on parts of the body (large toe of the right foot and groin region) where electric current had apparently been applied to him; traces of burns to both feet consistent with exposure to boiling water; circular marks around the wrists consistent with excessively tight handcuffing.

It should be added that similar medical findings were gathered in respect of Mr G's cousin, from the documentation at SIZO No. 1 in Grozny and during an examination by one of the forensic medical experts of the delegation.

Cases from the Republic of North Ossetia-Alania

VIII. Mr H said that he was apprehended on 4 February 2011 and brought to the District Division of Internal Affairs No. 2 in Vladikavkaz. He alleged that he was attached to a chair, his hands were cuffed behind his back, a black woollen cap was put over his eyes and his legs were bound up to his knees, and that in this position he was thrown to the floor and kicked.

He said that operational officers then brought a device and he received electric shocks from wires attached to his ears and put inside his mouth. Apparently, an electric wire was also put into his underwear, and he was threatened that electric shocks would be applied to his genitals. Water was allegedly poured on all the places where electric wire was in contact with Mr H's skin. He also claimed that the officers struck him on his fingers (threatening to break every phalanx) and threatened him with rape by means of a truncheon (that would be filmed on a mobile phone in order to show it to fellow inmates).

On 5 February 2011, Mr H was sent to a hospital where a forensic doctor performed an examination (the delegation was provided with a copy of the forensic medical certificate). The document gives a detailed account of multiple injuries and concludes that they could have been inflicted under the circumstances described by the person examined. The expert declared himself unable to confirm the origin of the lesions allegedly caused by electric shocks, because the histological specimen had been partially damaged in the laboratory.

The delegation was also provided with photographs of Mr H's injuries, taken at the hospital on 6 February 2011; they showed *marks consistent with his allegations*.

IX. Mr I said that he was apprehended in January 2011 and taken by car to a law enforcement facility in Vladikavkaz. According to him, on the way the car stopped and he was taken into a building, where persons wearing masks and plain clothes tied him up and beat him. Subsequently, they apparently put him on the floor, face down, attached electric wires to his little fingers, and subjected him to electric shocks with the purpose of forcing him to sign a confession.

Upon examination by a member of the delegation at the SIZO No. 1 in Vladikavkaz, Mr I was found to display: on his right hand, a round mark, reddish in colour, around the first phalanx of the small finger and a less visible mark around the finger next to it; on his left hand, a round mark, reddish in colour, around the first phalanx of his small finger. *Such marks were consistent with Mr I's allegations*.

X. Mr J said that he was apprehended in November 2010 and taken to the District Division of Internal Affairs No. 2 in Vladikavkaz. He alleged that, faced with his refusal to confess to what he was accused of, operational officers punched him several times in his face and then handcuffed him and tied his legs, placed a gas mask on his head (the eye parts of which were covered) and put him face down on the floor; in this position, he said that he was subjected to electric shocks via something put into contact with his ears.

When medically examined upon his arrival at SIZO No. 1 in Vladikavkaz, Mr J was found to display multiple contusions of the face and blue-purple periorbital haematomas. *These injuries were consistent with Mr J's allegations of being hit in the face*.

The delegation subsequently visited the District Division of Internal Affairs No. 2 in Vladikavkaz, and more specifically the offices of the operational staff, in which several persons interviewed claimed that they had been ill-treated. In office no. 44 the delegation found, in a cupboard, a gas mask, the eyeglasses of which had been covered by sticking thick paper to them⁶.

Neither the operational officers present nor the commander of the District Division No. 2 could provide a convincing explanation of why such a customised gas mask should be present in that cupboard. *This discovery reinforces the credibility of the allegation referred to above*.

⁶ See the photographs in Appendix III.

18. The information gathered during the visit also clearly indicates that investigators and judges (as well as other public officials) do not take the necessary action when they become aware of cases of possible ill-treatment. Some persons stated that although they had clearly visible injuries when they first saw the investigator or judge, the latter did not ask them about the origin of these injuries. Other persons claimed that they did complain about torture/ill-treatment inflicted upon them to the investigator or judge, but that the latter took no action. Several of the cases referred to in paragraph 17 illustrate this state of affairs.

19. The CPT finds it deeply disturbing that more than 10 years after the Committee's first visit to the North Caucasian region of the Russian Federation, findings such as those mentioned in the preceding paragraphs continue to be made.

During its meetings with senior officials in the Republic of Dagestan and the Chechen Republic, the delegation's attention was repeatedly drawn to the very difficult security situation in these two Republics. While duly acknowledging this, the CPT must once again state categorically that using extreme, illegal methods to fight extremism is a fundamentally unacceptable and flawed approach. Further, as already mentioned, the phenomenon of torture and other forms of severe ill-treatment is not limited to persons suspected of offences under Sections 205, 208, 209 and 222 of the Criminal Code.

To tackle the phenomenon of torture and other forms of severe ill-treatment, the relevant authorities – both at the republican and federal level – have first of all to acknowledge its existence. At present, the CPT is not convinced that this is always the case. On the contrary, certain of the high-level interlocutors met during the visit, in particular at republican level, appeared to be in a state of denial.

20. A very strong and clear message must be sent to all the law enforcement agencies operating on the territory of the republics visited that any form of ill-treatment of persons deprived of their liberty will never be tolerated and that all those who engage in such practices will be severely punished.

The CPT once again calls upon both the republican and federal authorities, at the highest level, to take resolute action to combat torture and other forms of ill-treatment. This must include delivering a clear and firm message of “zero tolerance” of ill-treatment to all members of law enforcement and security agencies operating in the Republic of Dagestan, the Chechen Republic and the Republic of North Ossetia-Alania.

Further, the Committee reiterates its long-standing recommendation that the competent authorities promote a fundamentally different approach to methods of investigation. This must involve more rigorous recruitment procedures, improved professional training for law enforcement officials (in particular operational officers) and the adoption of detailed instructions on the proper questioning of criminal suspects.

In the course of training, it must be made clear that the precise aim of questioning criminal suspects should be to obtain accurate and reliable information in order to discover the truth about matters under investigation, not to secure a confession from someone already presumed to be guilty.

Moreover, **investment should be made in the acquisition of modern technical means of inquiry (e.g. criminalistic and laboratory equipment).**

Concerning the investigators to whom criminal suspects are brought at the initial stage of the procedure, **the Committee recommends that they be reminded of their legal obligation to take relevant action whenever they have reason to believe that a person has been subjected to ill-treatment. Even in the absence of an express allegation of ill-treatment, they should ensure that a forensic medical examination is requested whenever there are other grounds (e.g. visible injuries, a person's general appearance or demeanour) to believe that a criminal suspect brought before them has been ill-treated. Under no circumstances should they authorise the return of a criminal suspect to the custody of law enforcement officials if there is reason to believe that the latter have ill-treated the person in question.**

A similar reminder should be delivered by the appropriate authorities to the judges before whom criminal suspects are brought for the purpose of a decision on the application of preventive measures (remand in custody, etc).

21. Naturally, any information which is indicative of possible ill-treatment in a specific case must meet with an effective response. In this connection, **the CPT wishes to receive a detailed account of all the measures taken in response to the complaints of ill-treatment made by Messrs A, G and H** (see paragraph 17, cases I, VII and VIII).

Further, the information gathered during the 2011 visit indicates that there is a particularly high risk of severe ill-treatment in certain specific law enforcement establishments. In this connection, **the CPT recommends that a thorough, independent investigation be carried out without delay into the methods used by the staff of the Centre for Combating Extremism in Makhachkala, the Staropromyslovskiy District Division of Internal Affairs in Grozny and the District Division of Internal Affairs No. 2 in Vladikavkaz when performing measures of inquiry vis-à-vis persons in their custody.**

22. For more than a decade, the CPT has been calling upon the Russian authorities to stop the ill-treatment of detained persons by staff of ORB-2 in Grozny⁷. The information obtained during the April 2009 visit to the Chechen Republic suggested that there had been some improvement in this regard. Indeed, compared to previous visits, the delegation received fewer allegations of recent torture and other forms of ill-treatment by staff working at ORB-2 in Grozny. However, the Committee emphasised in its visit report that the manner in which staff working at ORB-2 treat persons in their custody needed to be kept under the closest possible supervision.

Unfortunately, this message was not heeded. During the 2011 visit, the CPT's delegation received several credible allegations of the severe ill-treatment, both physical and psychological, of remand prisoners who had been transferred from SIZO No. 1 in Grozny to the IVS at ORB-2, in order to undergo investigative activities. The official position, according to which persons held in this IVS are only questioned in the specific room designated for that purpose located within the IVS's premises, is pure fiction.

⁷ See *inter alia* paragraphs 19 to 26 of CPT (2006) 54; paragraphs 17 to 23 of CPT (2005) 12; paragraph 26 of CPT (2003) 79.

The time is long overdue for the Russian authorities to implement the recommendations made by the CPT in the report on its visits to the North Caucasian region in 2006, in relation to ORB-2⁸. Above all, the IVS facility currently situated on the premises of ORB-2 in Grozny must be relocated elsewhere.

23. As already mentioned above, the delegation received – mainly in the Republic of Dagestan and in the Chechen Republic – a number of allegations of unrecorded detentions and detentions in unlawful locations, in particular with respect to persons suspected of offences under Sections 205, 208, 209 and 222 of the Criminal Code.

In this context, particular reference should be made to the case of Mr K, who was allegedly illegally detained on the premises of the Headquarters of the Special Purpose Police Unit (OMON) of the Ministry of Internal Affairs for the Chechen Republic, located in Grozny at 227, Bohdan Khmelnytsky Street, between December 2009 and April 2010. He was reportedly kept in the basement of a detached private house located within the base's secure perimeter, attached to a radiator⁹.

A criminal investigation into this case was opened in January 2011 by the Investigative Directorate of the Investigative Committee for the North Caucasian Federal District. The possibility for this investigation to be carried out in an effective manner was considered by many to be a litmus test of the quality of the justice system in the region.

The CPT would like to be informed of the progress and, in due course, the outcome of the criminal investigation into Mr K's case.

2. Impunity

24. The CPT has stressed in its previous reports the crucial importance of effective action by the investigating authorities when information indicative of possible ill-treatment comes to light¹⁰. Otherwise, any message of "zero tolerance" of ill-treatment will have no credibility.

Based on the information gathered during the 2011 visit, the Committee is compelled to conclude that the response from the competent authorities vis-à-vis the phenomenon of torture and other forms of ill treatment in the three Republics visited remains totally inadequate; this state of affairs is well illustrated by the extremely low number of criminal cases initiated in respect of ill-treatment by law enforcement officials.

⁸ See paragraph 26 of CPT (2006) 54.

⁹ It should be noted that in the course of the 2011 visit, the CPT's delegation interviewed a remand prisoner who claimed to have been held on the premises of the same OMON Headquarters, in the basement of a house (and to have been subjected to electric shocks there) for several days in the course of April 2010. He told the delegation that other persons were being held on those premises at the same time.

¹⁰ See paragraphs 37 to 39 of CPT (2008) 39, and paragraphs 27 to 29 of CPT (2009) 41.

In the vast majority of cases, when evidence of possible torture or other forms of ill-treatment emerges, the matter is dropped after a preliminary inquiry. And in those few cases when criminal proceedings are initiated, the charge almost invariably relates to abuse of power (Section 286 of the CC) rather than torture (Section 117 of the CC). Further, the CPT has good reason to believe that local law enforcement structures do not always provide the necessary support to the investigative authorities even when the latter do vigorously pursue instances of possible ill-treatment by law enforcement officials; this would appear to be the case in particular in the Chechen Republic¹¹.

25. The delegation discussed these matters with the leadership of the Investigative Committee and Prosecutor's Office in the three Republics. The delegation was particularly impressed by the frankness of its interlocutors in the Chechen Republic, who acknowledged the extent of the problem of torture/ill-treatment and impunity in that Republic.

They indicated inter alia that they continued – albeit apparently to a lesser extent than a few years ago – to experience difficulties in securing the effective and timely response from the staff of the Ministry of Internal Affairs to instructions issued by investigative authorities in cases involving allegations of torture/ill-treatment and abductions. Reportedly, information was sometimes not provided, responses were delayed or purely formal, and access to certain places was denied. This failure to comply with instructions mainly related to the cases of persons charged under Sections 208 and 209 of the Criminal Code. The delegation was told that the investigation currently carried out in the case of Mr K (see paragraph 23) could – if successfully completed – set a positive precedent for other cases of alleged abductions, illegal detention and torture/ill-treatment, in which the investigation was currently not making progress.

The delegation was also told that certain structures within the Ministry of Internal Affairs for the Chechen Republic were particularly reluctant to co-operate with the relevant investigative and prosecutorial authorities, and that as a result it was not possible to carry out an effective investigation vis-à-vis complaints of unlawful actions by officials belonging to those structures.

The CPT wishes to be informed of the measures that the Russian authorities at the federal level intend to take to address this deplorable situation.

26. Mr Said PASHAYEV, Deputy Head of the Investigative Department of the Investigative Committee of the Russian Federation for the Chechen Republic, informed the delegation that, in 2009, his Department received 114 complaints about “inadmissible methods of investigation” (ill-treatment). The decisions taken by the Investigative Department upon all those complaints were to refuse to initiate a criminal case. He said that the reasons for those decisions were the following: 1) a lot of time had lapsed since the moment of the alleged ill-treatment; 2) the complainants were not able to indicate the police officers who had allegedly ill-treated them; 3) no physical injuries were found on their bodies; 4) the complainants were not able to point to eyewitnesses of the alleged ill-treatment. All the 114 applications were further reviewed by the Prosecutor's Office who revoked some of the refusal decisions. Eventually, all the refusal decisions were nevertheless upheld (including in the cases reviewed by the Investigative Committee of the Russian Federation).

¹¹ See paragraph 25 below.

As for 2010, the statistics were as follows: 87 complaints received from penitentiary establishments; 51 complaints directly received from the suspects or the accused; 6 complaints from defendants (after the case has been referred to a court) and one complaint from a convict. As a result, two criminal cases were launched. In the first quarter of 2011, a total of 13 complaints had been submitted; in relation to all of them a decision was taken to refuse to initiate criminal proceedings.

The first of the two criminal cases launched in 2010 concerned the abuse of power (Section 286 (3) of the Criminal Code) by four officers from Nozhay-Yurtovskiy ROVD, including the deputy chief of criminal police. The officers concerned were sentenced to various terms of imprisonment in the beginning of 2011. The second case, likewise under Section 286(3) of the Criminal Code, was launched in September 2010 in relation to Mr L, an officer from the Gudermesskiy ROVD. He was accused of having ill-treated a detainee on 16 September 2010 for the purpose of obtaining a confession. The detainee had been taken to a hospital because of his injuries. As a result of the investigation, the officer concerned received a conditional prison sentence.

Mr Pashayev also mentioned the case of Sadikov v. Russia (judgment of 7 September 2010). In execution of this judgment of the European Court of Human Rights, a decision was taken to resume criminal proceedings in relation to torture. Following that, the three former policemen who had allegedly tortured the applicant have been declared wanted. However, although their whereabouts were apparently known, it was impossible to arrest them due to the absence of co-operation (and even obstruction) from the local police. **The Committee wishes to obtain clarification of this case from the Russian authorities.**

27. Although to a lesser extent than in the Chechen Republic, representatives of the Investigative Committee for the Republic of Dagestan also acknowledged the existence of obstacles in their work in cases involving allegations of torture/ill-treatment by law enforcement officials, including occasional delays in complying with their instructions issued to the law enforcement agencies. Reference was also made to the tendency of these law enforcement agencies to “protect their own people”.

Certainly, in the light of the information gathered by the CPT’s delegation during its visit to the Republic (see paragraphs 13 to 17), it is surprising to say the least that not a single investigation involving the charge of torture (Section 117 of the CC) by law enforcement officials had been initiated in recent years, and that only a few investigations into the possible abuse of power (Section 286 of the CC) had been opened.

Senior officials with whom the delegation discussed the matter in the Republic of North Ossetia-Alania acknowledged that the use of torture/ill-treatment by law enforcement officials was a problem in the Republic. The delegation was told that there were a number of ongoing criminal cases initiated in relation to such acts, including cases of alleged application of electric shocks. Further, three police officers had reportedly been recently convicted by the Promyshlennyi court (in Vladikavkaz) for having applied “illegal methods of inquiry”; they received conditional prison sentences and were dismissed from service.

The CPT would like to receive, for the Republic of Dagestan and the Republic of North Ossetia-Alania, in respect of 2010 and the first half of 2011, information on:

- the number of complaints of ill-treatment by law enforcement officials;
- the number of criminal cases initiated as a result of those complaints (with information on the sections of the Criminal Code in relation to which the above-mentioned cases have been opened), and
- an account of any criminal sanctions imposed.

28. As stated repeatedly in previous reports, the securing in good time of forensic medical evidence will often be crucial for the effectiveness of investigations into allegations of ill-treatment.

From the information gathered during the visit, it is clear that forensic medical examinations of persons who allege ill-treatment are not always performed promptly, if they are performed at all. The delegation was informed by the Deputy Head of the Bureau of Forensic Medicine of the Republic of Dagestan that private individuals (provided they were not deprived of their liberty) were now able to obtain, on their own initiative and for a fee, a medical examination by a recognised forensic doctor. However, in each of the Republics, it remained the case that the forensic examination of persons deprived of their liberty had to be authorised by an investigative or judicial authority.

The CPT calls upon the Russian authorities to ensure that in all cases where there are grounds to believe that a detained person may have been ill-treated, forensic medical expertise is both requested and provided in good time. In this connection, persons who allege ill-treatment by members of law enforcement or security agencies should be able to be examined by a recognised forensic doctor at their own initiative, without prior authorisation from an investigating or judicial authority, and regardless of whether they are deprived of their liberty.

29. The CPT must add that it was very disappointed to learn that, despite the significant investments made in recent years, the Bureau of Forensic Medicine of the Chechen Republic was still not in a position to perform a range of basic activities, such as DNA identification. **The CPT calls upon the Russian authorities to take the necessary action in order to ensure that the Bureau of Forensic Medicine of the Chechen Republic provides all the support required by the criminal justice system.**

30. In the light of all the information gathered during the 2011 visit, the CPT can only conclude that the problem of impunity in the Chechen Republic remains acute, in part due to the attitude of some of the structures of the republican Ministry of Internal Affairs. Impunity is also a problematic issue in the Republic of Dagestan (as illustrated by the absence of cases in which criminal proceedings have been initiated in respect of torture/ill-treatment) and, to a somewhat lesser extent, in the Republic of North Ossetia-Alania.

The Committee has, in its past reports on visits to the North Caucasian region of the Russian Federation, formulated detailed recommendations aiming at remedying this state of affairs¹². Regrettably, **those recommendations remain fully valid; specific reference should be made again to the following:**

- **the investigating authorities in the Republic of Dagestan, the Chechen Republic and the Republic of North Ossetia-Alania should receive detailed instructions and appropriate training to ensure that, whenever there are grounds to believe that ill-treatment has occurred, an investigation is conducted in full compliance with the criteria of an effective investigation, as established by the case-law of the European Court of Human Rights¹³;**
- **whenever a person is injured while in the hands of public officials, the case should be considered as one indicative of ill-treatment until such time as a plausible alternative explanation for the injuries is provided;**
- **any law enforcement official who is the subject of an investigation concerning his possible involvement in the ill-treatment of a detained person should be transferred to other functions which do not involve questioning detained persons or other direct contact with them, pending the outcome of the investigation.**

Above all, a strong and unequivocal determination on behalf of the Russian Federation's authorities – starting from the highest political level – is essential to tackle the problem of impunity in the North Caucasian region.

3. Safeguards against ill-treatment

31. As regards formal safeguards against ill-treatment (i.e. notification of custody, access to a lawyer and access to a doctor), the delegation's findings from the 2011 visit indicate that the situation continues to be problematic in the North Caucasian region of the Russian Federation. In practice, these rights are still not operative as from the very outset of deprivation of liberty. It is clear that most of the recommendations made by the CPT in the past and aimed at strengthening the safeguards against ill-treatment remain to be implemented¹⁴.

32. Concerning the notification of custody, several persons who were, or had recently been, detained by law enforcement agencies, stated that they had not been put in a position to inform promptly a relative or a third party of their situation.

The CPT once again calls upon the Russian authorities to take resolute steps to ensure that the right of notification of custody is guaranteed in practice as from the outset of deprivation of liberty.

¹² See, in particular, paragraphs 38 and 47 of CPT (2008) 39, and paragraph 27 of CPT (2009) 41.

¹³ These criteria are described in paragraphs 31 to 34 of the 14th General Report on the CPT's activities (CPT/Inf (2004) 28).

¹⁴ See in particular paragraphs 31 to 39 of CPT (2009) 41.

33. As had been the case on previous visits to the Russian Federation, detained persons were generally informed of their right of access to a lawyer by investigators at the time of drawing up the protocol of detention, which was often preceded by a period of questioning by operational staff (three hours, according to law, but in practice frequently much longer).

Many law enforcement officials – and even one senior official from the Investigative Committee – met during the visit affirmed that there was no right of access to a lawyer during the “3 hours” which may precede the drawing up of a protocol of detention, and it was certainly the case that access to a lawyer during that period was rarely, if ever, granted. However, Section 46 (4) of the Code of Criminal Procedure (CCP) states explicitly that the right of access to a lawyer applies as from the moment of *de facto* deprivation of liberty, and other investigators spoken to acknowledged that this meant that access to a lawyer should be granted even before the drawing up of the protocol of detention.

The CPT calls upon the Russian authorities to take measures to ensure that the correct interpretation of Section 46 (4) of the CCP is made clear to all concerned and that the right of access to a lawyer becomes effective – both in law and in practice – as from the outset of a person’s deprivation of liberty (and not only when a protocol of detention is drawn up).

34. Even during the period as from the drawing up of the protocol of detention, many detained persons were represented by an *ex officio* lawyer and several persons alleged that they had been prevented from contacting their own lawyer for some time (generally until after a confession/statement had been signed by the detained person).

As so many times before, the delegation heard many complaints about the quality of the work of *ex officio* lawyers and their alleged lack of impartiality; most of the detained persons interviewed by the delegation expressed the view that they were collaborating with the police and/or investigators. More specifically, several persons interviewed independently spoke of their experience when they appeared before an investigator attached to the Investigating Unit for Special Cases of the Investigative Committee for the Republic of Dagestan. Apparently, a young female *ex officio* lawyer was called in and presented to the detained person as being *his* lawyer; however, she did not provide any meaningful assistance to the detained person and her principal role appeared to be simply to witness the making of the suspect’s statement. One detained person alleged that he told the lawyer that he had been tortured, but this had only elicited from her the response “you can tell that to the court”.

The CPT recommends that State-appointed lawyers be reminded, through the appropriate channels, that their duty is to represent to the best of their ability the interests of the persons to whom they have been assigned, not to act as an agent of the police or investigative authorities.

More generally, **the CPT recommends that a comprehensive review of the system of *ex officio* legal assistance be carried out, in co-operation with the relevant bar associations.**

35. In the Republic of Dagestan, the delegation was informed of cases of alleged physical ill-treatment of lawyers by the police. In one such case, dating back to 17 June 2010, Ms M was allegedly beaten by officers from the Khasavyurt ROVD, where she had gone in order to represent her client. As a result of the injuries sustained during the incident, Ms M had to be taken to the hospital in Khasavyurt, where the doctors reportedly found that she had a brain contusion and bruising to her chest and right wrist, as well as lacerations on her chin and lips.

On 1 July 2010, a criminal case was opened against the police officers concerned under Section 286 of the CC (abuse of power). However, the CPT understands that the preliminary inquiry was still ongoing in June 2011. According to the NGO Memorial, there had been five more cases of assaults on lawyers (all of them women) by the police in the Republic of Dagestan since the incident involving Ms M. Allegedly, the ill-treatment was inflicted upon the lawyers concerned in order to prevent them from defending their clients in police custody¹⁵.

The CPT would like to receive the comments of the Russian authorities on these allegations. The Committee would also like to be informed, in due course, of the outcome of the investigation into Ms M's case.

36. Despite the CPT's long-standing recommendation, the right of access to a doctor for detained persons during their custody by law enforcement agencies is still not guaranteed by law; instead, such access remains at the discretion of law enforcement officials.

The CPT once again calls upon the Russian authorities to introduce legal provisions ensuring that all persons deprived of their liberty by law enforcement agencies have an effective right to be examined by a doctor (including a doctor of their own choice, it being understood that an examination by such a doctor may be carried out at the detained person's own expense).

37. At the two IVS facilities visited with the largest capacity, i.e. the IVS of the Department of Internal Affairs of the City of Makhachkala and the IVS of the Ministry of Internal Affairs of the Chechen Republic in Grozny, detained persons were seen by a feldsher, usually within 24 hours of admission. However, there was no feldsher at the other IVS facilities, and the delegation observed again the practice – seen numerous times on previous visits to the Russian Federation – of newly arrived detainees being screened for health problems and injuries by a (medically untrained) duty officer. If necessary, the officer could call an ambulance.

Further, as in the past, any medical examinations of detained persons in IVS establishments took place, as a rule, in the presence of non-medical staff (e.g. an officer on duty, a member of the escort team, etc.). It also appeared that the recording of injuries was rather succinct.

Furthermore, at the IVS in Makhachkala, the feldsher told the delegation that under the regulations in force, he was not authorised to record the explanations of detained persons as to the origin of injuries they bore.

¹⁵ See <http://www.memo.ru/eng/news/2010/12/13/1312102.html>.

38. As repeatedly stressed by the CPT in the past, the prompt and proper medical examination of persons admitted to IVS establishments is essential, in particular in order to facilitate any subsequent investigative measures related to allegations of ill-treatment.

The Committee calls upon the Russian authorities to take immediate steps to ensure that:

- **all persons admitted to IVS establishments are properly interviewed and physically examined by qualified health-care staff on the day of their admission or the following day; the same approach should be adopted each time a person returns to an IVS cell after having been taken out by operational officers (even for a short period of time);**
- **all medical examinations are conducted out of the hearing and – unless the health-care professional concerned expressly requests otherwise in a given case – out of the sight of police officers;**
- **the record drawn up following the medical examination of detained persons at IVS establishments contains: (i) a full account of statements made by the person concerned which are relevant to the medical examination (including his description of his state of health and any allegations of ill-treatment), (ii) a full account of objective medical findings based on a thorough examination, and (iii) the health-care professional's conclusions in the light of (i) and (ii), indicating the degree of consistency between any allegations made and the objective medical findings;**
- **whenever injuries are recorded which are consistent with allegations of ill-treatment made by a detained person (or which, even in the absence of allegations, are indicative of ill-treatment), the record is systematically brought to the attention of the competent investigative authorities, regardless of the wishes of the person concerned.**

In order to guarantee their full independence in relation to their duties, **the CPT considers that it would be desirable for all health-care staff working in IVS facilities to be under the authority of a structure other than the Ministry of Internal Affairs.**

39. In the three Republics visited, the delegation received many allegations of the lack of or delayed information on rights for persons detained by law enforcement agencies. As had been the case in the past, operational officers with whom the delegation spoke considered that informing detained persons of their rights was the task of investigators. No written information sheets were provided, the practice being that, during the first official interview carried out by the investigator, persons were asked by the latter to confirm with their signature on the detention protocol that they had been informed of their rights.

The CPT calls upon the Russian authorities to take steps to ensure that all persons detained by law enforcement agencies are fully informed of their rights (including the right of access to a lawyer) as from the very outset of their deprivation of liberty.

This should be ensured by the provision of clear verbal information at the moment of apprehension, to be supplemented at the earliest opportunity (i.e. immediately upon entry into the premises of a law enforcement agency) by the provision of a written form setting out the detained person's rights in a straightforward manner.

40. The quality of custody records kept at the IVS facilities visited was generally good. By contrast, custody records kept at Internal Affairs Divisions (OVD) were frequently inaccurate and incomplete (e.g. missing time of arrival, release or transfer). The same could be said of the custody record at the Directorate of the Federal Drug Control Service (FSKN) for the Republic of Dagestan, in Makhachkala.

The CPT calls upon the Russian authorities to take resolute steps to improve the standards of record keeping in the above-mentioned law enforcement establishments. Custody registers in respect of all categories of detained persons, and covering all stages of deprivation of liberty, should be introduced and properly kept in every establishment where persons may be deprived of their liberty (even for a few hours).

One police officer told the delegation that it was a generally accepted practice not to record in OVD records the arrival and departure of persons invited by operational officers for questioning in relation to a criminal case, unless such persons were formally detained. **The CPT would like to receive the comments of the Russian authorities on this matter.**

41. The delegation noted that the legal limit of 10 days of detention within a given month was generally being observed in the IVS facilities visited. However, there continued to be exceptions to this rule. For example, at Khasavyurt IVS, the delegation found in the custody record an entry according to which a person had been held in the establishment for 19 days; asked for an explanation, the IVS staff stated that the Head of Khasavyurt ROVD had authorised this. At the IVS in Makhachkala, a case of continuous detention of 37 days was formally recorded; when questioned about this unlawful duration, the head of the IVS responded "In case of persons charged with terrorist offences, it happens".

The CPT reiterates its recommendation that all necessary steps be taken to ensure strict adherence in practice to the maximum time limit for detention in IVS facilities, as regards both initial periods of custody and any subsequent periods of detention. The Committee also wishes to stress that the return of remand prisoners to Internal Affairs establishments, for whatever purpose, should only be sought and authorised when it is absolutely unavoidable.

4. Conditions of detention

42. The IVS establishments visited by the delegation in the three Republics offered conditions that varied from good to very poor.

The best conditions were observed in the recently constructed (in 2009) *IVS in Kizilyurt*, where the cells were of a sufficient size for their intended capacity (respecting the norm of 4 m² of living space per detainee), adequately lit and ventilated, and suitably equipped (sleeping platforms with mattresses and bedding, tables, stools, lockers, semi-partitioned toilets). Detainees were provided with food three times a day, had access to daily outdoor exercise and to a weekly shower.

The recently refurbished *IVS in Khasavyurt* also offered, on the whole, good conditions; that said, there were no in-cell toilets and detainees were obliged to use buckets to satisfy the needs of nature at night (between 10 p.m. and 6 a.m.). **Steps should be taken to ensure that detainees have ready access to a proper toilet facility at all times, including at night.**

As for the *IVS of the Department of Internal Affairs of the City of Makhachkala*, the *IVS of the Ministry of Internal Affairs of the Chechen Republic* and the *IVS of the Leninskiy District Division of Internal Affairs in Grozny*, the conditions had remained basically the same as those described in the reports on previous visits to these establishments¹⁶. They could be described as generally adequate, **though access to natural light in the cells of the Leninskiy District IVS in Grozny remained poor due to the presence of metal plates on the windows.**

Conditions of detention at the *IVS of Prigorodnyi District Division of Internal Affairs in Oktyabrskoye* (Republic of North Ossetia-Alania) displayed a number of shortcomings. Access to natural light in the cells was mediocre, in-cell sanitary facilities (toilet and washbasin) were not partitioned, and detainees had no access to outdoor exercise. **The CPT recommends that these deficiencies be remedied.**

Conditions of detention at the *IVS of the Zavodskoy District Division of Internal Affairs in Grozny* were very poor. The window-less basement cells were humid and in an advanced state of dilapidation, there were no toilets (detainees had to use buckets the whole day), no shower facilities and no exercise yard. The delegation was informed that a new IVS was under construction and that the current facility would be closed once the new establishment was brought into service. However, conditions in the present IVS are so unacceptable that, in the Committee's view, persons should no longer be held there, even for the shortest period of time. **The CPT recommends that the IVS of the Zavodskoy District Division of Internal Affairs in Grozny be taken out of service without delay.**

More generally, **the CPT recommends that, as far as is technically possible, all cells in IVS facilities be equipped with fully partitioned in-cell sanitary annexes.**

¹⁶ See paragraph 58 of CPT (2006) 54 and paragraph 43 of CPT (2009) 41.

43. The delegation found that the conditions of detention at the *IVS located on the premises of ORB-2 in Grozny* remained very poor. The delegation was told that a complete refurbishment of this facility was planned in the near future; a special commission was apparently due to arrive at the establishment on 3 May 2011 in order to decide on the precise steps to be taken.

As already indicated in paragraph 22, refurbishing the current facilities of this IVS is not the right way forward. **Those facilities should be closed and the IVS located elsewhere.**

44. The *IVS of the Ministry of Internal Affairs for the Republic of North Ossetia-Alania*, the only such facility within the central area of Vladikavkaz, offered on the whole good material conditions of detention. It therefore came as something of a surprise for the delegation to learn that no one had apparently been detained in the facility for the previous six months, reportedly because of a disagreement between the federal and republican level Ministries of Internal Affairs regarding how it should be used. As a result, detained persons had to be sent to IVS facilities situated in outlying districts.

The CPT would like to be informed about the prospects for reopening the IVS of the Ministry of Internal Affairs for the Republic of North Ossetia-Alania.

45. Conditions of detention at the Makhachkala Internal Affairs Division for Transport (LUVD) were criticised by the CPT in the report on the 2006 visit to the North Caucasian region of the Russian Federation¹⁷. During the 2011 visit, the delegation was informed that the establishment's cells had just been taken out of use (with the exception of the holding cell, reportedly used for detentions not exceeding three hours¹⁸), in order to be refurbished. **The Committee would like to receive confirmation that this is indeed the case and, in due course, to be informed of the exact measures taken to improve conditions of detention at the Makhachkala Internal Affairs Division for Transport.**

46. As on previous visits to the Russian Federation, all Internal Affairs Divisions visited were equipped with holding cells officially intended for detention periods of up to three hours; however, in practice, these cells were frequently used for much longer periods (up to 48 hours). As a rule, these cells had no access to natural light, weak artificial lighting and no sanitary facilities; their equipment usually consisted of just one or two narrow benches.

Particular reference should be made to the holding cell at Kizilyurt ROVD, conditions in which were appalling. The cell in question was located in a dark basement¹⁹, and was very run down and dirty. There was nothing in the cell but a wooden sleeping platform with a filthy, torn mattress and an equally dirty blanket. An examination of the custody register revealed that the cell was frequently being used for overnight stays.

¹⁷ See paragraph 59 of CPT (2006) 54.

¹⁸ That said, the delegation found indications that persons had recently been held at the establishment for much longer, including overnight.

¹⁹ It was, in fact, one of the cells of the former IVS, which had been closed after the new IVS had entered into service in 2009.

The CPT recommends that:

- **the holding cell at Kizilyurt ROVD be withdrawn from service immediately;**
- **steps be taken to ensure that all holding cells in Internal Affairs Divisions in the Republic of Dagestan, the Chechen Republic and the Republic of North Ossetia-Alania offer adequate conditions for periods of detention of up to three hours, in particular as regards lighting, ventilation, means of rest and state of repair/hygiene;**
- **such holding cells under no circumstances be used for periods of detention in excess of three hours.**

47. At the FSKN Directorate in Makhachkala, work was underway to construct a small holding facility consisting of two cells measuring 4 m², which were to be equipped with a wooden bench (for the time being, detained persons were apparently kept in offices). There was no access to natural light, but the artificial lighting was adequate. The delegation was told that these cells would not be used for periods exceeding three hours. That said, examination of the custody register revealed possible cases of overnight stay in the establishment. In this context, **the CPT wishes to receive confirmation that the two cells at the FSKN Directorate in Makhachkala will not be used to hold persons for longer than three hours.**

B. Pre-trial establishments

1. Preliminary remarks

48. The CPT's delegation carried out follow-up visits to SIZO No.1 in Makhachkala and SIZO No. 1 in Grozny, as well as a first-time visit to SIZO No. 1 in Vladikavkaz. It also went briefly to Federal SIZO No. 6 in Vladikavkaz.

49. The delegation did not receive any allegations of ill-treatment of inmates by the staff of the SIZOs visited, and observed that staff-prisoner relations in the four establishments were generally free of tension.

That said, this overall positive assessment has to be qualified in the light of the claims made by some prisoners that they had been warned by staff not to make any complaints to the delegation (see paragraph 8).

2. Conditions of detention

50. SIZO No. 1 in Makhachkala was first visited by the CPT in 2006²⁰. On the 2011 visit, the establishment – with a theoretical capacity of 601 and a current operational capacity of 410 – was accommodating 377 inmates, mainly adult males on remand.

The SIZO was in the process of being rebuilt, and a large part of the original detention block had already been demolished. The delegation was told that all the prisoners were now accommodated in the two new blocks already in service. Material conditions of detention in these blocks were on the whole satisfactory. A typical cell for four inmates measured some 18 m² and was suitably equipped. The cells were well lit (as regards both access to natural light and artificial lighting) and inmates benefited from a good horizontal view through large windows.

However, the delegation noted that in-cell sanitary facilities were only partially screened. Further, the exercise yards were situated on the roof of one of the blocks. On this subject, the delegation informed the establishment's management that – in the CPT's view – exercise facilities should preferably be located on the ground floor. The delegation was assured by the SIZO's governor that this would be the case, when the new 3rd and 4th blocks were completed and brought into service; **the CPT would like to receive confirmation of this from the Russian authorities.**

Further, **the Committee recommends that measures be taken to fit the in-cell sanitary annexes in all the cells with a full partition (i.e. up to the ceiling).** More generally, **the CPT wishes to encourage the Russian authorities to pursue the refurbishment of SIZO No. 1 in Makhachkala energetically.**

²⁰ See paragraphs 68 to 71 of CPT (2006) 54.

51. It quickly transpired that up until the eve of the delegation's visit, part of what remained of the original detention block had been used as a "quarantine" unit for new arrivals (see also paragraph 8). Conditions in the cells concerned were poor.

The SIZO's governor stressed that these cells would be demolished by the end of 2011, when the 3rd new block entered into service. He said that, in the meantime, it was necessary to keep some of these cells "in reserve"; otherwise it would on occasion not be possible to comply with the standard of 4 m² of living space per prisoner in the two new blocks already in service. The delegation identified four cells (nos. 2, 4, 6 and 8) which might be used for this purpose, subject to a curtain being placed around the toilet facility, and on the strict understanding that prisoners would only be placed in these cells when absolutely necessary to avoid overcrowding and for as short a time as possible. **The CPT would like to receive confirmation that these requirements have been met.**

52. With a current capacity of 224, SIZO No. 1 in Grozny was accommodating 238 inmates at the time of the visit, for the most part male remand prisoners.

Since the CPT's last visit in 2009²¹, significant improvements have been made to the conditions of detention in the establishment. A new block – offering good material conditions of detention – had entered into service in December 2009; the cells resembled in all respects those already described in the new blocks of SIZO No. 1 in Makhachkala. Refurbishment of the old block was also underway, and parts of that building already brought back into service offered generally acceptable conditions.

The legal requirement of 4 m² of living space per prisoner was not fully respected in all the cells of the refurbished part of the old block; that said, the SIZO's governor took immediate measures to remedy this deficiency. The governor also assured the delegation that all in-cell sanitary facilities throughout the establishment would be partitioned to the ceiling. **The Committee would like to receive confirmation that this measure has been taken.**

Similar to the situation observed at SIZO No. 1 in Makhachkala, the delegation found that the exercise yards were situated at the upper-floor level of SIZO No. 1 in Grozny. However, the management informed the delegation that the standard design of SIZOs had been or would soon be changed so as to ensure that exercise yards are in future placed at ground-floor level in newly-built establishments. **The CPT would like to receive confirmation of this fact from the Russian authorities.**

After the 2009 visit, the Committee inter alia recommended that the very small waiting cubicles (measuring under 1 m² each), seen in the not yet completed new block, be removed. The delegation was pleased to observe – during the 2011 visit – that all the waiting cubicles had been turned into storage rooms.

²¹ See paragraph 57 of CPT (2009) 41.

53. As already mentioned, SIZO No. 1 in Vladikavkaz, situated close to the centre of the city, received its first visit by the CPT²².

The main building of the establishment (Block 1) was constructed in 1884 as cavalry stables; it was converted into a prison in the 1930s and had served as a SIZO since 1990. There was also a newer detention block (i.e. Block 2). The total capacity of the two blocks was 759; however, Block 2 was undergoing refurbishment at the time of the visit, which had resulted in a temporary reduction of official capacity (based on the legal norm of 4 m² per prisoner) to 428. On the day of the delegation's visit, the SIZO was accommodating 408 inmates, once again mostly adult men on remand²³.

54. The material conditions in *Block 1* were substandard and in some cells very poor. The cells were generally in a run-down state from the standpoint of equipment and decoration, and there were evident signs of the ravages of humidity in many of them. Further, in a number of the cells the standard of 4 m² per prisoner was not respected e.g. six inmates in a cell measuring 21 m² (including the sanitary annexe), four inmates in a cell measuring 10 m². Above all, the cells on one side of the block had poor access to natural light and fresh air, in some of cells practically no access whatsoever. This was the case, for example, for the cells of the *special (high security) unit* and of the *units for recidivists and first offenders* situated on that side of the block.

The accommodation in the parts of *Block 2* that were still in use, i.e. in the *unit for the working sentenced prisoners* and in the admission unit ("quarantine") was also in a rather run-down state. The first of the above-mentioned units comprised a dormitory measuring some 40 m² with 20 places, and 17 prisoners on the day of the delegation's visit. The delegation was informed that there were plans to close the unit and build new accommodation for the sentenced prisoner workforce. **The CPT would like to receive more information about these plans.**

The "*quarantine*" unit was composed of eight cells, each of them accommodating three to four inmates and measuring some 18 m². In two of the cells (nos. 97 and 99), there was practically no access to natural light due to metal shutters covering the cell windows. The CPT was pleased to note that measures were taken to improve access to natural light in these cells before the delegation left the establishment.

55. The delegation found two units of *disciplinary cells* ("kartzers") at the establishment. The management informed the delegation that the oldest of the two units had been taken out of service while the other was used only occasionally. Conditions in both units were completely unacceptable.

The unit still in use comprised four extremely small (less than 3 m²), damp, humid and totally dilapidated cells, with an in-cell toilet and a narrow folding sleeping platform fixed to the wall. The reportedly unused cells (one of which had apparently been used as a "padded" cell) were also very small and were equipped with a stool fixed to the floor, a folding sleeping platform and an unscreened floor-level toilet, occupying nearly half of the remaining area in the cell when the platform was put down. They had no access to natural light and were poorly ventilated.

²² During the 2004 visit to the North Caucasian region, the CPT's delegation went to SIZO No. 1 in Vladikavkaz for the purpose of interviewing a small number of prisoners accommodated there.

²³ There were also 28 women and 4 minors on remand, as well as 21 sentenced prisoners working at the establishment.

At the end of the visit, the Head of the delegation requested the Russian authorities to confirm that the old disciplinary cells at SIZO No. 1 in Vladikavkaz had been formally decommissioned, and that the other disciplinary cells had been renovated in line with the delegation's proposals (in particular by converting the four cells into two). This confirmation was received from the Russian authorities on 30 June 2011. **The CPT would also like to receive confirmation that SIZO No. 1 in Vladikavkaz no longer possesses a "padded" cell.**

56. The CPT's delegation made it clear to the Russian authorities that the existing facilities at SIZO No. 1 in Vladikavkaz did not conform with modern standards. The authorities agreed and informed the delegation that a total reconstruction of the establishment was planned. **The Committee would like to receive further details on this subject.**

Pending the reconstruction, **the CPT recommends that efforts be made to remedy some of the most glaring deficiencies of the current facilities. In particular:**

- **access to natural light and fresh air should be ensured in all the cells; any cell where this cannot be done should be withdrawn from service;**
- **all of the cells should be adequately heated and kept in a proper state of repair and cleanliness;**
- **the requirement of 4 m² living space per prisoner should be respected throughout the establishment.**

57. As already mentioned in paragraph 48, the delegation also carried out a brief visit to Federal SIZO No. 6 in Vladikavkaz.

Officially opened in 2005²⁴, the establishment had a capacity of 20 and, on the day of the visit, was accommodating 13 inmates (including one sentenced working prisoner). Located adjacent to the premises of the FSB Directorate for the Republic of North Ossetia-Alania, it was used to accommodate prisoners in respect of whom a request to place them in the establishment had been made by the relevant federal investigative authorities, based on the nature of the offence of which they were accused and/or security considerations.

Inmates were accommodated in seven cells of various dimensions, respecting the norm of 4 m² of living space per prisoner. All the cells were suitably equipped, well lit and ventilated, and clean. However, the design of the cells significantly restricted inmates' privacy: in addition to the small windows on the doors, there were windows giving towards the corridor, from where staff could observe what was happening inside each cell; further, the inside of the cells (except for the sanitary annexes) was under CCTV and acoustic monitoring. **The overall environment could only be described as oppressive.**

²⁴ The establishment had previously existed as the SIZO of the FSB for the Republic of North Ossetia-Alania. It had been visited by the CPT's delegation in April 2000, in order to interview prisoners recently transferred from the Chechen Republic (see <http://www.cpt.coe.int/documents/rus/2000-05-02-eng.htm>).

58. The delegation saw a “padded” cell, which had no access to natural light and was poorly ventilated. The delegation was informed of a recent decision by the supervisory prosecutor to take this cell out of service, and the Russian authorities confirmed on 30 June 2011 that this had indeed happened.

59. At all the SIZOs visited, the regime for remand prisoners was extremely limited. With the exception of the few juveniles, they had no access to purposeful activities, such as education, sport, vocational training and work. Most of the prisoners were locked up in their cells for 23 hours a day and left to their own devices. They were not allowed any contact with other inmates apart from their cellmates and contact with the outside world was very restricted.

The CPT has commented many times on the negative effects of the concept of “isolation”, which is applied to the detention of remand prisoners in the Russian Federation, and has recommended that the current regime for such prisoners be fundamentally reviewed²⁵. The Committee understands that changes to that regime are now being considered. **The CPT wishes to be informed in detail of the plans in this regard, including the time-frame for their implementation.**

3. Screening for injuries

60. The CPT has repeatedly stated that a SIZO can play a key role in combating ill-treatment prior to the arrival of inmates to the facility. In particular, all indications of ill-treatment must be reported to the competent authorities.

61. In this context, the delegation found that the reporting procedures were functioning generally satisfactorily in *SIZO No. 1 in Grozny*. Each time injuries were observed on newly-arrived inmates, the doctors drew up a protocol (an “act”) signed by the doctor, the prisoner and the convoy officer. The doctors then sent the above-mentioned “act” to the governor, in all cases when a prisoner complained of ill-treatment and – even in the absence of allegations – whenever injuries observed were recent²⁶. Subsequently, the governor informed the competent investigative and prosecutorial authorities.

Three different medical registers were kept at SIZO No. 1 in Grozny: a register of medical examinations on arrival, a register of examinations after the return of remand prisoners from law enforcement establishments, and a separate register of lesions observed on arrival. The delegation noted that all the three registers were detailed and well kept; injuries observed were well described and accompanied by prisoners’ statements.

²⁵ See, for example, paragraph 69 of CPT (2008) 39 and paragraph 88 of CPT (2009) 6.

²⁶ There were on average 40 such cases every year. For the first four months of 2011, 13 cases had been recorded.

62. The procedure of reporting injuries followed at *SIZO No. 1 in Makhachkala* was generally similar²⁷, with an “act” sent to the governor each time a newly-arrived prisoner complained of ill-treatment, as well as in cases of suspicion of ill-treatment or if it was obvious that injuries were the result of ill-treatment. That said, the relevant registers were not well kept and the delegation found inconsistencies and discrepancies between the registers (as well as with the data contained in inmates’ individual medical files). Further, unlike in Grozny, remand prisoners returning from law enforcement establishments were not medically examined (unless they had complaints). **The CPT recommends that steps be taken to remedy these deficiencies.**

63. The least satisfactory situation was observed at *SIZO No. 1 in Vladikavkaz*, where the delegation was informed that the governor did not systematically receive a copy of the “act” drawn up in the context of the medical screening on admission; that said, a copy was reportedly addressed to the competent investigative and prosecutorial authorities (as well as to the establishment’s operational department) each time there were grounds to suspect that an inmate’s injuries could have resulted from ill-treatment²⁸.

It is noteworthy that, unlike in the other SIZOs visited, newly-arrived prisoners were initially screened by a feldsher (who performed a visual examination and a check for injuries, without undressing the inmate), and a proper medical examination only took place within three days of arrival. The screening for possible traces of ill-treatment was the responsibility of the feldsher who – as the delegation was informed – was not authorised to record the inmates’ explanations as to the origin of injuries they bore. Nor were such explanations/allegations recorded in the other registers and in the inmates’ individual medical files.

The CPT recommends that the procedure for recording and reporting injuries observed on newly-arrived prisoners be improved at SIZO No. 1 in Vladikavkaz. The practice observed at SIZO No. 1 in Grozny could be taken as reference in this respect.

²⁷ This was a part of the general screening procedure, also involving an anamnesis, a check for diseases (especially transmissible ones, such as pediculosis), tests for sexually transmissible diseases and a chest X-ray to detect TB.

²⁸ 23 such reports had been sent from the SIZO in the first quarter of 2011.

APPENDIX I

LIST OF THE CPT'S RECOMMENDATIONS, COMMENTS AND REQUESTS FOR INFORMATION

Co-operation

recommendations

- the Russian authorities to prevent any kind of intimidating or retaliatory action against detained persons before or after they have spoken to a CPT delegation (paragraph 8);
- the Russian authorities to take the necessary steps to ensure that incidents such as those referred to in paragraph 9 of the report (delays in granting the CPT delegation access to certain establishments) do not occur during future visits (paragraph 9).

comments

- the principle of co-operation encompasses the obligation to provide accurate information to the Committee and refrain from deceptive action of the kind referred to in paragraph 8 of the report (paragraph 8);
- the mandate of the Committee covers all places under the authority of the Ministry of Internal Affairs where persons might be deprived of their liberty by a public authority, even for a short period of time (e.g. a few hours). This is also the case for establishments run by other State agencies, such as the Federal Drug Control Service (FSKN) and the Federal Security Service (FSB) (paragraph 9);
- the Committee requests that the necessary steps be taken to ensure that, in the future, the management of FSB Directorates engage in a constructive manner with CPT visiting delegations, in accordance with the principle of co-operation laid down in Article 3 of the Convention establishing the CPT (paragraph 10).

Law enforcement agencies

Torture and other forms of ill-treatment

recommendations

- both the republican and federal authorities, at the highest level, to take resolute action to combat torture and other forms of ill-treatment. This must include delivering a clear and firm message of "zero tolerance" of ill-treatment to all members of law enforcement and security agencies operating in the Republic of Dagestan, the Chechen Republic and the Republic of North Ossetia-Alania (paragraph 20);

- the competent authorities to promote a fundamentally different approach to methods of investigation. This must involve more rigorous recruitment procedures, improved professional training for law enforcement officials (in particular operational officers) and the adoption of detailed instructions on the proper questioning of criminal suspects. In the course of training, it must be made clear that the precise aim of questioning criminal suspects should be to obtain accurate and reliable information in order to discover the truth about matters under investigation, not to secure a confession from someone already presumed to be guilty (paragraph 20);
- investment to be made in the acquisition of modern technical means of inquiry (e.g. criminalistic and laboratory equipment) (paragraph 20);
- the investigators to whom criminal suspects are brought at the initial stage of the procedure to be reminded of their legal obligation to take relevant action whenever they have reasons to believe that a person has been subjected to ill-treatment. Even in the absence of an express allegation of ill-treatment, they should ensure that a forensic medical examination is requested whenever there are other grounds (e.g. visible injuries, a person's general appearance or demeanour) to believe that a criminal suspect brought before them has been ill-treated. Under no circumstances should they authorise the return of a criminal suspect to the custody of law enforcement officials if there is reason to believe that the latter have ill-treated the person in question (paragraph 20);
- a similar reminder to be delivered by the appropriate authorities to the judges before whom criminal suspects are brought for the purpose of a decision on the application of preventive measures (remand in custody, etc) (paragraph 20);
- a thorough, independent investigation to be carried out without delay into the methods used by the staff of the Centre for Combating Extremism in Makhachkala, the Staropromyslovskiy District Division of Internal Affairs in Grozny and the District Division of Internal Affairs No. 2 in Vladikavkaz when performing measures of inquiry vis-à-vis persons in their custody (paragraph 21);
- the Russian authorities to implement without further delay the recommendations made by the CPT in the report on its visits to the North Caucasian region in 2006, in relation to ORB-2. Above all, the IVS facility currently situated on the premises of ORB-2 in Grozny must be relocated elsewhere (paragraph 22).

requests for information

- a detailed account of all the measures taken in response to the complaints of ill-treatment made by Messrs A, G and H (see paragraph 17 of the report, cases I, VII and VIII) (paragraph 21);
- the progress and, in due course, the outcome of the criminal investigation into the case of Mr K (paragraph 23).

Impunity

recommendations

- the Russian authorities to ensure that in all cases where there are grounds to believe that a detained person may have been ill-treated, forensic medical expertise is both requested and provided in good time. In this connection, persons who allege ill-treatment by members of law enforcement or security agencies should be able to be examined by a recognised forensic doctor at their own initiative, without prior authorisation from an investigating or judicial authority, and regardless of whether they are deprived of their liberty (paragraph 28);
- the Russian authorities to take the necessary action in order to ensure that the Bureau of Forensic Medicine of the Chechen Republic provides all the support required by the criminal justice system (paragraph 29);
- the investigating authorities in the Republic of Dagestan, the Chechen Republic and the Republic of North Ossetia-Alania to receive detailed instructions and appropriate training to ensure that, whenever there are grounds to believe that ill-treatment has occurred, an investigation is conducted in full compliance with the criteria of an effective investigation, as established by the case-law of the European Court of Human Rights (paragraph 30);
- whenever a person is injured while in the hands of public officials, the case to be considered as one indicative of ill-treatment until such time as a plausible alternative explanation for the injuries is provided (paragraph 30);
- any law enforcement official who is the subject of an investigation concerning his possible involvement in the ill-treatment of a detained person to be transferred to other functions which do not involve questioning detained persons or other direct contact with them, pending the outcome of the investigation (paragraph 30).

comments

- a strong and unequivocal determination on behalf of the Russian Federation's authorities – starting from the highest political level – is essential to tackle the problem of impunity in the North Caucasian region (paragraph 30).

requests for information

- the measures that the Russian authorities at the federal level intend to undertake to address the problem of lack of co-operation from law enforcement agencies in the Chechen Republic vis-à-vis the investigation of cases involving allegations of torture/ill-treatment and abductions (paragraph 25);
- clarification of the follow-up to the judgment of the European Court of Human Rights in the case of Sadikov v. Russia (paragraph 26);

- for the Republic of Dagestan and the Republic of North Ossetia-Alania, in respect of 2010 and the first half of 2011, information on:
 - the number of complaints of ill-treatment by law enforcement officials;
 - the number of criminal cases initiated as a result of those complaints (with information on the sections of the Criminal Code in relation to which the above-mentioned cases have been opened);
 - an account of any criminal sanctions imposed (paragraph 27).

Safeguards against ill-treatment

recommendations

- the Russian authorities to take resolute steps to ensure that the right of notification of custody is guaranteed in practice as from the outset of deprivation of liberty (paragraph 32);
- the Russian authorities to take measures to ensure that the correct interpretation of Section 46 (4) of the Code of Criminal Procedure is made clear to all concerned and that the right of access to a lawyer becomes effective – both in law and in practice – as from the outset of a person’s deprivation of liberty (and not only when a protocol of detention is drawn up) (paragraph 33);
- State-appointed lawyers to be reminded, through the appropriate channels, that their duty is to represent to the best of their ability the interests of the persons to whom they have been assigned, not to act as an agent of the police or investigative authorities (paragraph 34);
- a comprehensive review of the system of ex officio legal assistance to be carried out, in cooperation with the relevant bar associations (paragraph 34);
- the Russian authorities to introduce legal provisions ensuring that all persons deprived of their liberty by law enforcement agencies have an effective right to be examined by a doctor (including a doctor of their own choice, it being understood that an examination by such a doctor may be carried out at the detained person’s own expense) (paragraph 36);
- the Russian authorities to take immediate steps to ensure that:
 - all persons admitted to IVS establishments are properly interviewed and physically examined by qualified health-care staff on the day of their admission or the following day; the same approach should be adopted each time a person returns to an IVS cell after having been taken out by operational officers (even for a short period of time);
 - all medical examinations are conducted out of the hearing and – unless the health-care professional concerned expressly requests otherwise in a given case – out of the sight of police officers;

- the record drawn up following the medical examination of detained persons at IVS establishments contains: (i) a full account of statements made by the person concerned which are relevant to the medical examination (including his description of his state of health and any allegations of ill-treatment), (ii) a full account of objective medical findings based on a thorough examination, and (iii) the health-care professional's conclusions in the light of (i) and (ii), indicating the degree of consistency between any allegations made and the objective medical findings;
- whenever injuries are recorded which are consistent with allegations of ill-treatment made by a detained person (or which, even in the absence of allegations, are indicative of ill-treatment), the record is systematically brought to the attention of the competent investigative authorities, regardless of the wishes of the person concerned.

(paragraph 38);

- the Russian authorities to take steps to ensure that all persons detained by law enforcement agencies are fully informed of their rights (including the right of access to a lawyer) as from the very outset of their deprivation of liberty. This should be ensured by the provision of clear verbal information at the moment of apprehension, to be supplemented at the earliest opportunity (i.e. immediately upon entry into the premises of a law enforcement agency) by the provision of a written form setting out the detained person's rights in a straightforward manner (paragraph 39);
- the Russian authorities to take resolute steps to improve the standards of record keeping in Internal Affairs Divisions (OVD) and Federal Drug Control Service establishments. Custody registers in respect of all categories of detained persons, and covering all stages of deprivation of liberty, should be introduced and properly kept in every establishment where persons may be deprived of their liberty (even for a few hours) (paragraph 40);
- all necessary steps to be taken to ensure strict adherence in practice to the maximum time limit for detention in IVS facilities, as regards both initial periods of custody and any subsequent periods of detention. Further, the return of remand prisoners to Internal Affairs establishments, for whatever purpose, should only be sought and authorised when it is absolutely unavoidable (paragraph 41).

comments

- it would be desirable for all health-care staff working in IVS facilities to be under the authority of a structure other than the Ministry of Internal Affairs (paragraph 38).

requests for information

- the comments of the Russian authorities on the allegations referred to in paragraph 35 of assaults on lawyers by the police in the Republic of Dagestan (paragraph 35);
- in due course, information on the outcome of the investigation into the case of Ms M (paragraph 35);

- the comments of the Russian authorities on the practice of not recording in OVD records the arrival and departure of persons invited by operational officers for questioning in relation to a criminal case, unless such persons are formerly detained (paragraph 40).

Conditions of detention

recommendations

- the deficiencies referred to in paragraph 42 as regards conditions of detention at the IVS of Prigorodnyi District Division of Internal Affairs in Oktyabrskoye (Republic of North Ossetia-Alania) to be remedied (paragraph 42);
- the IVS of the Zavodskoy District Division of Internal Affairs in Grozny to be taken out of service without delay (paragraph 42);
- as far as is technically possible, all cells in IVS facilities to be equipped with fully partitioned in-cell sanitary annexes (paragraph 42);
- the facilities of the IVS located on the premises of ORB-2 in Grozny to be closed and the IVS located elsewhere (paragraphs 22 and 43).
- the holding cell at Kizilyurt ROVD to be withdrawn from service immediately (paragraph 46);
- steps to be taken to ensure that all holding cells in Internal Affairs Divisions in the Republic of Dagestan, the Chechen Republic and the Republic of North Ossetia-Alania offer adequate conditions for periods of detention of up to three hours, in particular as regards lighting, ventilation, means of rest and state of repair/hygiene (paragraph 46);
- holding cells in Internal Affairs Divisions under no circumstances to be used for periods of detention in excess of three hours (paragraph 46).

comments

- steps should be taken to ensure that detainees at the IVS in Khasavyurt have ready access to a proper toilet facility at all times, including at night (paragraph 42);
- access to natural light in the cells of the Leninskiy District IVS in Grozny remained poor due to the presence of metal plates on the windows (paragraph 42).

requests for information

- the prospects for reopening the IVS of the Ministry of Internal Affairs for the Republic of North Ossetia-Alania (paragraph 44);

- confirmation that the cells at the Makhachkala Internal Affairs Division for Transport (LUVD) have been taken out of use in order to be refurbished and, in due course, information on the exact measures taken to improve conditions of detention at the LUVD (paragraph 45);
- confirmation that the two cells at the FSKN Directorate in Makhachkala will not be used to hold persons for longer than three hours (paragraph 47).

Pre-trial establishments

recommendations

- measures to be taken to fit the in-cell sanitary annexes in all the cells at SIZO No. 1 in Makhachkala with a full partition (i.e. up to the ceiling) (paragraph 50);
- pending the reconstruction of SIZO No. 1 in Vladikavkaz, efforts to be made to remedy some of the most glaring deficiencies of the current facilities. In particular:
 - access to natural light and fresh air should be ensured in all the cells; any cell where this cannot be done should be withdrawn from service;
 - all of the cells should be adequately heated and kept in a proper state of repair and cleanliness;
 - the requirement of 4 m² living space per prisoner should be respected throughout the establishment (paragraph 56);
- steps to be taken to remedy the deficiencies referred to in paragraph 62 as regards the procedure for recording and reporting injuries at SIZO No. 1 in Makhachkala (paragraph 62);
- the procedure for recording and reporting injuries observed on newly-arrived prisoners to be improved at SIZO No. 1 in Vladikavkaz. The practice observed at SIZO No. 1 in Grozny could be taken as reference in this respect (paragraph 63).

comments

- the CPT encourages the Russian authorities to pursue the refurbishment of SIZO No. 1 in Makhachkala energetically (paragraph 50);
- the overall environment at Federal SIZO No. 6 in Vladikavkaz could only be described as oppressive (paragraph 57).

requests for information

- confirmation that exercise facilities at SIZO No. 1 in Makhachkala will be relocated on the ground floor when the new 3rd and 4th blocks are completed and brought into service (paragraph 50);
- confirmation that the requirements referred to in paragraph 51 as regards the exceptional use of certain cells in the original detention block of SIZO No. 1 in Makhachkala have been met (paragraph 51);
- confirmation that all in-cell sanitary facilities at SIZO No. 1 in Grozny have been partitioned to the ceiling (paragraph 52);
- confirmation that the standard design of SIZOs has been or will soon be changed so as to ensure that exercise yards are in the future placed at ground-floor level in newly-built establishments (paragraph 52);
- more information about the plans to close the unit for working sentenced prisoners at SIZO No. 1 in Vladikavkaz and to build new accommodation for those prisoners (paragraph 54);
- confirmation that SIZO No. 1 in Vladikavkaz no longer possesses a “padded” cell (paragraph 55);
- further details on the planned total reconstruction of SIZO No. 1 in Vladikavkaz (paragraph 56);
- details of the plans to change the regime for remand prisoners, including the time-frame for their implementation (paragraph 59).

APPENDIX II

**LIST OF THE AUTHORITIES AND ORGANISATIONS
WITH WHICH THE CPT'S DELEGATION HELD CONSULTATIONS**

Federal authorities

Ministry of Justice

Mr Alexandr SMIRNOV	Deputy Minister
Mr Pavel IVLIEV	Acting Director, Department of International Law and Co-operation
Ms Ekaterina KAPLENKOVA	Lead Adviser, Division of International Relations, Department of International Law and Co-operation

Federal Service for the Execution of Sentences (FSIN)

Mr Vladislav TSATUROV	Deputy Director
Mr Sergei BARYSHEV	Head of the Medical and Sanitary Department
Mr Alexandr LEONOV	Deputy Head of the Legal Department, Head of Division for the International Legal Protection of the Rights of Persons under the FSIN's Custody

Ministry of Internal Affairs

Mr Vladimir DIDENKO	Deputy Head of Department for Combating Extremism
Mr Denis KORNIKOV	Deputy Head of Division, Department for Combating Extremism
Mr Andrei BYKOV	Deputy Head of Operational Department
Mr Vasili RYABOV	Special Task Inspector, International Co-operation Department
Mr Nikolai OLEKHNOVICH	Acting Head of the 1 st Operative-Search Unit of the Main Department of Internal Affairs for the North Caucasian Federal District

Ministry of Foreign Affairs

Ms Ekaterina VODENIKOVA	Third Secretary, Division of European Co-operation on Human Rights Issues, Department of Humanitarian Co-operation and Human Rights
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Prosecutor General's Office

Mr Sergei TARAKANOV	Acting Head of the Department of Oversight of Legality of Execution of Sentences
Mr Vadim SKOSAREV	Prosecutor, Division of Oversight of Operative-Search Activities in the Ministry of Internal Affairs and Control of Legality in the IVS
Mr Sergei PETROV	Prosecutor, Division of Oversight of Operative-Search Activities in the Ministry of Internal Affairs and Control of Legality in the IVS

Investigative Committee of the Russian Federation

Mr Alexei KOLYADA	Senior Inspector, Main Directorate for Procedural Control
Mr Valeri MISHIN	Senior Inspector, Main Directorate for Procedural Control
Ms Maria SILADIY	Inspector, Main Directorate for Procedural Control

Council of the President of the Russian Federation on Development of Civil Society and Human Rights

Mr Mikhail FEDOTOV	Chairman
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Republican authorities

Republic of Dagestan

Mr Magomed salam MAGOMEDOV	Head of the Republic of Dagestan
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Ministry of Internal Affairs

Mr Abdurashid MAGOMEDOV	Minister of Internal Affairs for the Republic of Dagestan
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Federal Service for the Execution of Sentences (FSIN)

Mr Muslim DAKHAEV	Head of the FSIN for the Republic of Dagestan
Mr Abdurakhman KHABIBULAEV	Deputy Head of the FSIN for the Republic of Dagestan
Mr Magomed MURTAZALIEV	Deputy Head of the FSIN for the Republic of Dagestan
Mr Omar OMAROV	Deputy Head of the FSIN for the Republic of Dagestan
Mr Ramazan MAKHMUDOV	Assistant to the Head for Human Rights Protection, FSIN for the Republic of Dagestan
Mr Badrutin SHAHKHIURADOV	Head of the Operative Department, FSIN for the Republic of Dagestan
Mr Mukhamed MARMOKHOV	Deputy Head of the Operative Department, FSIN for the Republic of Dagestan
Mr Dalian RASHITOV	Senior Special Task Inspector, Special Purpose Division, Regime and Supervision Department, FSIN for the Republic of Dagestan

Federal Drug Control Service (FSKN)

Mr Azizbek CHERKESOV	Head of the FSKN Directorate for the Republic of Dagestan
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Prosecutor's Office

Mr Andrei NAZAROV

Prosecutor for the Republic of Dagestan

Investigation Committee

Mr Kasumbek AMIRBEKOV

Head of the Investigative Directorate, Investigative Committee for the Republic of Dagestan

Chechen Republic

Ministry of Internal Affairs

Mr Ruslan ALKHANOV
Mr Ramzan SIMBAGAEV

Minister of Internal Affairs for the Chechen Republic
Deputy Minister of Internal Affairs for the Chechen Republic

Federal Service for the Execution of Sentences (FSIN)

Mr Ali IRISKHANOV
Mr Anzor IRISKHANOV

Head of the FSIN for the Chechen Republic
Deputy Head for Operational Activities, FSIN for the Chechen Republic

Mr Andrei SULTABIYEV

Assistant to the Head for Human Rights Protection, FSIN for the Chechen Republic

Mr Adam KHATUEV

Head of the Medical Department, FSIN for the Chechen Republic

Prosecutor's Office

Mr Sharpuddi ABDUL-KADYROV
Mr Sergei SHAVKUTA

First Deputy Prosecutor for the Chechen Republic
Deputy Prosecutor for the Chechen Republic

Investigation Committee

Mr Said PASHAEV

Deputy Head, Investigative Directorate, Investigative Committee for the Chechen Republic

Republic of North Ossetia-Alania

Ministry of Internal Affairs

Mr Kazbek BEKMURZOV

Acting Minister of Internal Affairs for the Republic of North Ossetia-Alania

Federal Service for the Execution of Sentences (FSIN)

Mr Alan KUPPEEV	Head of the FSIN for the Republic of North Ossetia-Alania
Mr Grigori AZIZOV	Deputy Head of the FSIN for the Republic of North Ossetia-Alania
Mr Khetag SKHANOV	Deputy Head of the FSIN for the Republic of North Ossetia-Alania
Mr Karen MKHTARYAN	Assistant to the Head for Human Rights Protection, FSIN for the Republic of North Ossetia-Alania

Prosecutor's Office

Mr Vladimir VEKSHIN	Prosecutor for the Republic of North Ossetia-Alania
Mr Kazbek IZOKOV	Senior Assistant Prosecutor for the Supervision of Legality in the FSIN establishments in the Republic of North Ossetia-Alania

Investigation Committee

Mr Dimitri KOROBOV	Acting Head of the Investigative Directorate, Investigative Committee for the Republic of North Ossetia-Alania
Mr Kazbek MAMAEV	Deputy Head of the Investigative Directorate, Investigative Committee for the Republic of North Ossetia-Alania

Non-governmental organisations

Committee Against Torture

Human Rights Watch

Legal Protection (Dagestan)

Memorial

Mothers of Dagestan

Russian Justice Initiative

APPENDIX III

**PHOTOGRAPHS OF THE GAS MASK FOUND BY THE CPT'S DELEGATION AT
DISTRICT DIVISION OF INTERNAL AFFAIRS NO. 2 IN VLADIKAVKAZ
(see paragraph 17 of the visit report, case X)**



