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RUSSIA: Tortured for beliefs, suspect torturers rewarded

By Victoria Arnold, Forum 18 (<https://www.forum18.org>)

Contrary to Russia's international legal obligations, no official responsible for the torture of either a Muslim following his 2015 arrest or seven Jehovah's Witnesses in 2019 has been arrested or put on criminal trial. One of the victims was re-arrested after reporting the torture, and two of the officials implicated have been given awards.

Many people in Russia suffer torture, among them people held because they exercised their freedom of religion and belief. Contrary to Russia's binding international legal obligations, no official responsible for the torture of either a Muslim in 2015 or seven Jehovah's Witnesses in 2019 has been arrested or put on criminal trial.

Under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Russia is obliged to arrest and put on criminal trial any official suspected of torture or complicity in torture. Russia frequently does not do this. The UN Committee Against Torture (CAT) in 2018 condemned the impunity given to many officials who commit torture (see below).

A Muslim imprisoned for studying the works of Said Nursi was tortured during the nearly two years from 2015 that he spent awaiting trial in the Far Eastern Amur Region. Yevgeny Kim was tortured in "the so-called 'press hut', a special room where the necessary testimonies are beaten out [of inmates] by other detainees who are colluding with the prison administration" (http://www.forum18.org/archive.php?article_id=2332), a fellow Muslim who wished to remain anonymous told Forum 18 in October 2017 (see below).

No official responsible for this torture appears to have been either arrested or put on criminal trial, and officials have not answered Forum 18's questions about action against those who tortured Kim (see below).

Seven Jehovah's Witnesses stated that they were tortured at the Investigative Committee building in Surgut after being arrested on 15 February 2019. When they refused to give any information on fellow believers, investigators subjected them to electric shocks, beatings, and attempted suffocation, and threatened them with sexual violence (see below).

After being released, one of the victims was re-arrested after he called the Investigative Committee's hotline to report his torture (see below).

Instead of being arrested and put on criminal trial, two of the officials implicated in the torture of the Jehovah's Witnesses were after the torture given awards, ostensibly for their work in 2018. Vladimir Yermolayev won "best local department head", and Sergei Bogodyorov took second place in the "best investigator" competition (see below).

After regional investigators twice refused to open a criminal case against those who allegedly tortured Jehovah's Witnesses in custody in Surgut (Khanty-Mansi Autonomous Region), Russia's national Investigative Committee in Moscow has now taken over investigation of the detainees' claims. The national Ombudsperson for Human Rights, Tatyana Moskalkova, will monitor the process (see below).

It is unclear when the Investigative Committee in Moscow will complete its latest investigation of the Jehovah's Witnesses' torture or whether this will result in any redress for the victims. "It could last forever, until you and others have lost any interest in the subject," Jehovah's Witness lawyer Yegiazar Chernikov told Forum 18 on 26 June (see below).

"It is very unlikely that the Investigative Committee would initiate a criminal case against torturers who receive their salaries from the same pocket, but we will pursue the initiation of a criminal case, including, if necessary, in the international courts," Chernikov added (see below).

Surgut: Rewards for suspect torturers

On 19 April, the Khanty Mansi Regional Investigative Committee announced on its website (well after the February torture of the

Jehovah's Witnesses became public knowledge (http://www.forum18.org/archive.php?article_id=2480) that Vladimir Yermolayev, head of its Surgut department, and investigator Sergei Bogodyorov – both implicated in the torture case – had received awards, ostensibly for their work in 2018.

Yermolayev won "best local department head" alongside his counterparts from the towns of Pyt-Yakh and Kogalym. Bogodyorov took second place in the "best investigator" competition.

Forum 18 wrote to the Khanty-Mansi Regional Investigative Committee on 27 June to ask why it had given awards to these investigators and why it had not both arrested them and opened a criminal case against them, given Russia's international obligations to act against torturers. Forum 18 has received no reply as of 28 June.

International obligations, torture widespread

The United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Russia (as the Soviet Union) ratified in 1987, defines torture as: "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity".

Under Article 6 of the Convention, Russia is obliged to arrest any person suspected on good grounds of having committed torture. Under Article 4, Russia is obliged to try them under criminal law which makes "these offences punishable by appropriate penalties which take into account their grave nature".

The UN Committee Against Torture's (CAT) August 2018 Concluding Observations (CAT/C/RUS/CO/6) (<http://undocs.org/en/CAT/C/RUS/CO/6>) on Russia stated: "The Committee is deeply concerned at numerous reliable reports of the practice of torture and ill-treatment in the State party, including as a means to extract confessions, and at many recent reports documenting cases of torture .. The Committee is also concerned at reports that allegations of torture rarely resulted in criminal prosecutions and that, even when prosecuted, the perpetrators were charged with simple assault or abuse of authority."

The UN CAT "urges the State party to combat impunity in torture and ill-treatment cases, including by ensuring that high-level government officials publicly and unambiguously affirm that torture will not be tolerated and that anyone committing acts of torture or complicit in or acquiescent to torture, including those with command responsibility, will be criminally prosecuted for torture."

The Committee made its remarks after video footage emerged of guards using truncheons to beat Yevgeny Makarov, an inmate at Yaroslavl's Labour Camp No. 8, and pouring water over his head as he lay on a table.

There have been many other examples of torture within the security apparatus in recent years. In 2017, and again in early 2019, police in Chechnya detained without charge dozens of men they claimed were gay and subjected them to beatings and electric shocks, often with bags pulled over their heads (similarly to the Jehovah's Witnesses' accounts – see below). Five of the men are believed to have died as a result. Opposition activist Ildar Dadin, imprisoned in Labour Camp No. 7 in Karelia between December 2015 and February 2017, has told of beatings, other forms of severe physical violence, and being hung up by handcuffs by guards. In this case, former camp head Sergei Kossiyev himself received a two and half year prison sentence for the torture.

Among other numerous well-documented incidents of torture carried out by state officials was that of Muslims in the North Caucasus. (http://www.forum18.org/archive.php?article_id=1171)

One in 10 people who replied to a survey of 3,447 adults from across Russia said they had been tortured by state officials, according to a survey published on 27 June 2019 by independent Moscow-based polling body the Levada-Centre (<http://www.levada.ru/2019/06/27/pytki-v-rossii-rasprostranennost-yavleniya-i-otnoshenie-obshhestva-k-probleme-3/>). Three-quarters of adults who said they had suffered torture stated that they had been tortured to humiliate or intimidate them, half that they had been tortured to extract confessions, and a third that they had been tortured as a punishment.

Blagoveshchensk: No arrest or prosecution of officials responsible for Muslim's torture

Yevgeny Lvovich Kim (born 5 October 1974) was jailed for three years and nine months in June 2017 for organising meetings in his home town of Blagoveshchensk to study the works of late Turkish theologian Said Nursi (http://www.forum18.org/archive.php?article_id=2290). He was convicted under Criminal Code Article 282.2, Part 1 ("Organisation of the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity").

Between Kim's arrest in December 2015 and his transfer to a labour camp in August 2017, he was detained in Investigation Prison No. 1 in Blagoveshchensk. While there, he was tortured, had his ribs broken, and guards tried to inflict other forms of severe

physical violence on him (http://www.forum18.org/archive.php?article_id=2332). This took place in "the so-called 'press hut', a special room where the necessary testimonies are beaten out [of inmates] by other detainees who are colluding with the prison administration", a fellow Muslim who wished to remain anonymous told Forum 18 in October 2017.

Forum 18 wrote to the Human Rights Ombudsperson for Amur Region, Lyubov Khashcheva, to ask whether she or the regional prosecutor's office had ever opened a criminal case connected with Kim's torture in pre-trial detention. Khashcheva replied on 19 June that her office had no information about Kim's time in pre-trial detention.

Forum 18 also asked the Amur Region Prosecutor's Office on 18 June whether prosecutors had opened any criminal case against officials and others in Investigation Prison No. 1 responsible for Kim's torture. Yuliya Adusheva, head of the Press Service, replied on 27 June that the Prosecutor's office had received no reports of Kim's torture and had not initiated any investigation or criminal case.

Forum 18 also sent a written request for information to the Federal Prison Service (FSIN) in Moscow on 19 June, asking whether it had received any reports on Kim's torture, whether any criminal case had been opened against Investigation Prison No. 1 or any individual, and whether any other measures had been taken. Forum 18 has received no reply as of 28 June.

Kim served his sentence in Khabarovsk's No. 3 Labour Camp, where conditions were "better", according to a fellow Muslim who was following the case.

Kim was released on 10 April 2019, but was deprived of his Russian citizenship, left stateless, and – on the day he completed his prison term – fined and ordered deported to his country of birth. (http://www.forum18.org/archive.php?article_id=2478)

The official reason for his deprivation of citizenship was that he did not have the correct documents – which officials had confiscated the day before the court decision. This appears to be the first time anyone has been stripped of citizenship after being convicted under Russia's harsh anti-"extremism" laws for exercising the right to freedom of religion or belief.

Kim is now in a temporary detention centre for foreign nationals, awaiting deportation to Uzbekistan - his country of birth - a serious violator of freedom of religion and belief. (<http://www.forum18.org/archive.php?country=33>)

Surgut tortures

The seven Surgut Jehovah's Witnesses (http://www.forum18.org/archive.php?article_id=2482) – Sergei Loginov, Kirill Severinchik, Vyacheslav Boronos, Sergei Volosnikov, Artyom Kim, Aleksei Plekhov, and Yevgeny Kayrak – were among at least 15 people taken in for interrogation early in the morning of 15 February 2019. Most were released after questioning, and went immediately to have their injuries documented by doctors.

Loginov was re-arrested shortly after he called the Investigative Committee's hotline to report his torture. After 56 days in custody, he was released under specific restrictions on 11 April (http://www.forum18.org/archive.php?article_id=2482) (not allowed to go out at night, communicate with others involved in the case, or use the telephone, internet, or post).

Investigators went to court to have two other Jehovah's Witnesses, Artur Severinchik and Yevgeny Fedin also placed in pre-trial detention, but judges later ordered that they be released (http://www.forum18.org/archive.php?article_id=2482). They left custody on 15 March and 11 April respectively. Fedin is also under specific restrictions, while Artur Severinchik appears to be under no restrictions at present.

"On our initiative, independent medical checks for bodily harm were carried out on my [clients]," Jehovah's Witness lawyer Yegiazar Chernikov told Forum 18 on 26 June. "According to the findings of the medical report, multiple injuries were identified in the form of bruises, haematomas, abrasions, and burns from an electric shock prod, which by their stage coincided with the date of interrogation."

Doctors were initially reluctant to attest in writing to the Jehovah's Witnesses' injuries, but after the intervention of regional Khanty-Mansi Human Rights Ombudsperson Natalya Strebkova (see below), they became willing to issue documentation, Jehovah's Witness lawyer Dmitry Kolobov told BBC Russia on 27 February.

Several of the victims gave video testimony of the torture in March. Lev Ponomaryov, a researcher at the Moscow-based human rights group Memorial, posted photographs on the Ekho Moskvyy radio station's website which show heavy bruising to a man's legs and ribcage, and what appear to be the marks of electric shocks on a man's arm.

Investigators questioned the Jehovah's Witnesses throughout the torture: "Where are Jehovah's Witness meetings held? Who attends the meetings? What are the elders' names? What is your mobile phone password?"

In his 21 February appeal to Human Rights Ombudsperson Moskalkova, seen by Forum 18, Artyom Kim describes being taken to a

room "similar to a toilet", where a black bag was put over his head and fastened with sticky tape and his hands were also taped together. He was hit and kicked for about twenty minutes as he lay on the floor. Investigators then administered electric shocks to his legs and arms, periodically pouring water over them.

Kim suffered "extreme pain", and "loudly cried out, for which they struck me in the head". They then removed his trousers and underwear and tried to inflict other forms of severe physical violence on him, before going back to giving him shocks to his legs and "each finger individually". "After that," Kim wrote, "I agreed to give testimony."

Thereafter, whenever Kim refused or was unable to give them the information they wanted, the torture and threats resumed. He eventually made a statement in the presence of a state-appointed lawyer, and was released under travel restrictions in the early hours of the following morning.

In their 21 February appeals to Moskalkova, also seen by Forum 18, Vyacheslav Boronos and Kirill Severinchik describe similar experiences of being hooded with taped-up plastic bags, beaten, and given electric shocks, after which they too gave and signed statements in the presence of lawyers. Severinchik also mentioned being able to hear from the corridor the sound of blows and electrical discharge, and recognising the voices of several fellow believers as they cried out.

Will federal-level investigation lead to arrests and successful prosecutions?

It took a week after the torture occurred for the regional Khanty-Mansi Investigative Committee to announce its initial internal investigation (on 22 February). The Investigative Committee initially denied that any violence had taken place. After lawyers made public the results of their clients' medical examinations, it claimed that the detainees had injured themselves. Later, it insisted that the Jehovah's Witnesses' "active resistance" to the National Guard and FSB security service officials who had arrested them had resulted in "insignificant injuries".

Regional Human Rights Ombudsperson Strebkova met both investigators and victims on 25 February and lodged her findings with the Regional Prosecutor's Office. "I confess, what these people told me at the meeting, all these terrible details, it all shocked me," Strebkova told the znak.com news website the same day. Strebkova stated that the Khanty-Mansi Regional Investigative Committee had twice investigated the staff of its Surgut branch and twice decided that no crime had been committed. The Khanty-Mansi Regional Prosecutor's Office in turn twice rejected the legality of the Regional Investigative Committee's refusal to open a criminal case.

In mid-June, national Human Rights Ombudsperson Tatyana Moskalkova visited the Khanty-Mansi Autonomous Region. She met local law enforcement officials and the Jehovah's Witnesses. "The citizens told her everything that they had previously told me," regional Human Rights Ombudsperson Strebkova told the znak.com news website on 14 June.

Strebkova also stated that "the materials of the examinations [of the investigators' conduct] and statements [by the Jehovah's Witnesses] will be transferred to Moscow to the Investigative Committee of Russia."

"The federal Investigative Committee requested the materials of the investigation apparently so as not to force lower-ranking investigators of the same body to open a criminal case against their colleagues," Jehovah's Witness lawyer Yegiazar Chernikov commented to Forum 18 on 26 June.

It is unclear when the Investigative Committee in Moscow will complete its latest investigation of the Jehovah's Witnesses' torture or whether this will result in any redress for the victims. "It could last forever, until you and others have lost any interest in the subject," Chernikov told Forum 18.

"It is very unlikely that the Investigative Committee would initiate a criminal case against torturers who receive their salaries from the same pocket, but we will pursue the initiation of a criminal case, including, if necessary, in the international courts," Chernikov added.

"Mostly, they need to make sure how to more reliably 'protect their own'," he continued. "If the Investigative Committee wanted to comply with the law and its own regulations, it was obliged to initiate a criminal case for causing bodily harm already in the early stages of the inspection, but since they continue to 'carry out an examination', this means a path of delays and red tape. They use gaps in the law to bury the case gradually through 'refusal' and 'cancellation', and damage the rights and freedoms of the victims."

None of the Khanty-Mansi Regional Investigative Committee, the Khanty-Mansi Regional Prosecutor's Office, or the Federal Investigative Committee in Moscow has yet answered Forum 18's questions about the case, sent on 7 June. Forum 18 wrote again on 18 June to the Federal Investigative Committee, after it became known that it had taken over the case. Forum 18 has received no answers to the questions as of 28 June.

Forum 18 wrote to national Human Rights Ombudsperson Moskalkova's office to ask when the federal-level Investigative Committee is likely to complete its investigation, how likely it is that a criminal case will be opened as a result, what will happen next if the Investigative Committee refuses to prosecute the alleged torturers, and how it can be ensured that others will not suffer similar treatment during interrogation and detention. Moskalkova's office told Forum 18 she was away until 7 July and would not respond to the questions in her absence.

The seven Surgut Jehovah's Witnesses who were tortured are still being investigated (http://www.forum18.org/archive.php?article_id=2480) under Criminal Code Article 282.2, Part 1 ("Organisation of"), or Part 2 ("Participation in") ("the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity").

Surgut: European Court of Human Rights appeal

On 26 February, nine of the Jehovah's Witnesses – including the seven torture victims - lodged an appeal at the European Court of Human Rights in Strasbourg (Loginov and Others versus Russia, Application No. 10618/19 – brief details available here (<http://app.echr.coe.int/SOP/index.aspx?lg=en>)). In response, the ECtHR urgently ordered the Russian government to have Loginov (the only torture victim in detention at that point) sent for an independent medical assessment.

On 18 March, the Russian government responded to the ECtHR that Loginov suffered from no ailments which would prevent his detention. Jehovah's Witnesses stated, however, that no independent checks for evidence of torture had been carried out; according to his lawyer, Loginov was only checked over by a prison service medic through his cell bars, and at a hospital only on 5 March, 18 days after the torture, when burns and bruises would have faded.

Surgut: Call for investigators' removal, prosecution

On 20 February, lawyer Dmitry Kolobov requested the removal from the criminal case against the Jehovah's Witnesses of Vladimir Yermolayev (head of the Surgut Investigative Committee) and investigators Stepan Tkach, Azat Adiyatulin, Stanislav Gaysin, Sergei Bogodyorov and Dmitry Asmolov.

The lawyer asked for their removal "because, in connection with these circumstances [the torture], these officials are not able to conduct objectively a preliminary investigation of this criminal case". Yermolayev refused this request, Kolobov told BBC Russian on 27 February.

On 25 February, Andrey Babushkin, a member of the Presidential Human Rights Council and chair of the Commission to Support Public Monitoring Commissions, demanded an end to the violent treatment of Jehovah's Witnesses in Surgut. In a statement to the General Prosecutor's Office, the head of the Investigative Committee, and the Public Monitoring Commission for the Khanty-Mansi Autonomous Region, he insisted that a criminal case be opened against the investigators responsible under Criminal Code Articles 210 ("Organisation of criminal activity") and 286.3 ("Exceeding official powers").

The UN Committee Against Torture's (CAT) August 2018 Concluding Observations (CAT/C/RUS/CO/6) on Russia stated (http://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fRUS%2fCO%2f6&Lang=en): "The Committee is also concerned at reports that allegations of torture rarely resulted in criminal prosecutions and that, even when prosecuted, the perpetrators were charged with simple assault or abuse of authority."

The UN CAT urged Russia to ensure that "anyone committing acts of torture or complicit in or acquiescent to torture, including those with command responsibility, will be criminally prosecuted for torture."

Human Rights Ombudsperson comments on Jehovah's Witness jailing

More than 200 Jehovah's Witnesses are now facing prosecution (http://www.forum18.org/archive.php?article_id=2482) in 38 of Russia's 83 federal subjects (not counting Crimea and Sevastopol). Thirty-eight are believed to be in pre-trial detention and 30 under house arrest. The rest are under travel restrictions, a specific set of restrictions (such as not being allowed to leave their homes at night), or no known restrictions at all.

Investigators have completed the cases against seven people – in Kostroma, Tomsk, Polyarny in Murmansk Region, Primorye and Vladivostok – and they are believed to be close to coming to trial.

On 10 June 2019, federal Human Rights Ombudsperson Tatyana Moskalkova delivered her 2018 report to President Vladimir Putin, which included remarks on the Jehovah's Witnesses' situation:

"These events [the conviction and imprisonment of Danish citizen Dennis Christensen] raise questions about the existence of a conflict between the constitutional right to practice one's religion individually or jointly with others, and the signs of extremist activity specified in Article 282.2 of the Criminal Code of the Russian Federation". (END)

Full reports on freedom of thought, conscience and belief in Russia
(<http://www.forum18.org/archive.php?query=&religion=all&country=10>)

For more background see Forum 18's survey of the general state of freedom of religion and belief in Russia
(http://www.forum18.org/archive.php?article_id=2246), as well as Forum 18's survey of the dramatic decline in this freedom related
to Russia's Extremism Law (http://www.forum18.org/archive.php?article_id=2215).

A personal commentary by Alexander Verkhovsky, Director of the SOVA Center for Information and Analysis
<http://www.sova-center.ru>, about the systemic problems of Russian anti-extremism legislation
(http://www.forum18.org/archive.php?article_id=1468)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments
(http://www.forum18.org/archive.php?article_id=1351)

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