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RUSSIA: Impunity for officials who torture?

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

No officials accused in three cases of torture of individuals detained for exercising freedom of religion or belief appear to have been arrested or put on criminal trial. Prison officials in Blagoveshchensk between 2015 and 2017 oversaw the torture of Yevgeny Kim, which included broken ribs and attempted rape. Seven Jehovah's Witnesses were hooded, kicked, beaten and tortured with electric shocks at the Investigative Committee in Surgut in February 2019.

Officials suspected of torturing Muslims and Jehovah's Witnesses do not appear to have been – as Russia's international human rights obligations require – either arrested or put on criminal trial for torture.

No officials of Investigation Prison No. 1 in the Far Eastern city of Blagoveshchensk accused of overseeing the torture of Muslim prisoner of conscience Yevgeny Kim between 2015 and 2017 appear to have been arrested or put on trial. During the torture, his ribs were broken and he suffered attempted rape (see below).

The local human rights Ombudsperson told Forum 18 she has no information about Kim's time in detention. The prosecutor's office and the Federal Prison Service have not responded to Forum 18's questions (see below).

No officials accused of torturing seven Jehovah's Witnesses at the building of the Investigative Committee in Surgut in western Siberia after their arrest in February 2019 appear to have been arrested or put on trial. During the torture, the seven men were hooded with plastic bags, kicked and beaten, and given electric shocks, Jehovah's Witnesses complain. Six of them face "extremism"-related criminal prosecution (see below).

Neither the local nor the national human rights Ombudsperson has responded to Forum 18's questions. The federal-level Investigative Committee in Moscow, which took over the investigation into the torture in June 2019, has not replied to Forum 18's questions (see below).

No FSB security service officers in Kaluga south-west of Moscow, accused of mistreating Jehovah's Witness Roman Makhnyov and his daughter in June 2019, appear to have been arrested or put on trial. FSB officers made his 15-year-old daughter go outside and stand barefoot in the street while they searched the family's flat. At the local FSB building, officers left Makhnyov standing handcuffed to a heating pipe all night. Over two days of interrogation, officers gave him no food, Jehovah's Witnesses complain (see below).

Kaluga Region FSB has not replied to Forum 18's questions. Kaluga Regional Human Rights Ombudsman told Forum 18 that he had asked the prosecutor's office about the accusations and it had told him that there were no violations of the law in the conduct of the search, and no evidence that FSB officers had used "illicit methods" against Makhnyov or his family (see below).

2020 torture

Officials have continued to use torture in 2020 against individuals detained for exercising freedom of religion or belief.

Jehovah's Witnesses state that, in February 2020, National Guard officers tortured two adherents in the Siberian city of Chita, including by means of electric shocks, and prison guards in the Urals city of Orenburg subjected five of their prisoners of conscience to severe beatings, resulting in the hospitalisation of one man. (http://www.forum18.org/archive.php?article_id=2549)

None of the suspected officials has so far been brought to justice in line with Russia's binding international legal obligations.

Ignoring international obligations

Under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Russia is obliged to both arrest any person suspected on good grounds of having committed torture and also try them under criminal law (http://www.forum18.org/archive.php?article_id=2489) which makes "these offences punishable by appropriate penalties which

take into account their grave nature".

Torture nevertheless remains common. The UN Committee Against Torture's (CAT) Concluding Observations (CAT/C/RUS/CO/6) on Russia, released in August 2018 (<http://undocs.org/en/CAT/C/RUS/CO/6>), 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 CAT also urged Russia "to combat impunity in torture and ill-treatment cases".

The UN 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 abuse within Russia's security apparatus in recent years.

One in 10 people who replied to a survey of 3,447 adults from across Russia said they had been tortured by police and other security officers (http://www.forum18.org/archive.php?article_id=2489), according to a survey published on 27 June 2019 by the Levada Centre, an independent Moscow-based polling body. 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.

Impunity in Blagoveshchensk

Investigation Prison officers suspected of torturing Yevgeny Lvovich Kim (born 5 October 1974) between 2015 and 2017 do not appear to have been either arrested or put on trial for torture.

Kim was sentenced to three years and nine months' imprisonment in June 2017 for organising meetings to study the works of late Turkish theologian Said Nursi. (http://www.forum18.org/archive.php?article_id=2290)

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 suffered attempted rape (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 told Forum 18 in October 2017.

In June 2019, Forum 18 wrote to the Human Rights Ombudsperson for Amur Region, Lyubov Khashcheva, to ask whether her office or the Regional Prosecutor's Office had received any communication about Kim's torture and whether a criminal case had ever been opened. Khashcheva replied that she had received no such communication and her office had no information about Kim's time in pre-trial detention.

Yuliya Adusheva, head of the Press Service for Amur Regional Prosecutor's Office, told Forum 18, also in June 2019, that the Prosecutor's Office had received no reports of Kim's torture and had not initiated any investigation or criminal case.

Forum 18 sent these questions again to the Amur Region Human Rights Ombudsperson's Office and the Amur Regional Prosecutor's Office before the start of the working day of 11 March 2020. Ombudsperson Khashcheva replied on 12 March that she still had no information about Kim's time in detention. Forum 18 has received no response from prosecutors.

The Federal Prison Service (FSIN) in Moscow did not reply to Forum 18's questions. The Amur Region's branch of the Prison Service accepts enquiries only from local media, referring all foreign and federal-level media to the Moscow headquarters.

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 Uzbekistan, his country of birth. (http://www.forum18.org/archive.php?article_id=2478) The official reason for his deportation 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 "anti-extremism" laws for exercising the right to freedom of religion or belief. (http://www.forum18.org/archive.php?article_id=2215)

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

Impunity in Surgut

More than a year after seven Jehovah's Witnesses were tortured in the building of the Investigative Committee in Surgut in western Siberia, none of the officers involved appears to have been charged with any criminal offence, and the results of a federal-level

investigation of their actions have not been made public.

Sergei Loginov, Kirill Severinchik, Vyacheslav Boronos, Sergei Volosnikov, Artyom Kim, Aleksei Plekhov, and Yevgeny Kayrak described how men in civilian clothes hooded them with plastic bags after their arrest on 15 February 2019, kicked and beat them, and gave them electric shocks at the Khanty-Mansi Autonomous Region Investigative Committee's Surgut building. (http://www.forum18.org/archive.php?article_id=2489)

The seven men were among at least 15 people taken in for interrogation early that morning. Most were released after questioning, and those who had been tortured went immediately to have their injuries documented by doctors.

Sergei Loginov was re-arrested shortly after he called the Investigative Committee's hotline to report his treatment (http://www.forum18.org/archive.php?article_id=2489). After 56 days in custody, he was released under specific restrictions on 11 April 2019 (not allowed to go out at night, communicate with others involved in the case, or use the telephone, internet, or post). (http://www.forum18.org/archive.php?article_id=2512)

Instead of being arrested and investigated, two of the Investigative Committee officials implicated in the torture of the Jehovah's Witnesses were subsequently given awards, ostensibly for their work in 2018 (http://www.forum18.org/archive.php?article_id=2489). Vladimir Yermolayev won "best local department head", and Sergei Bogodyorov took second place in the "best investigator" competition.

Yermolayev and Investigative Committee investigator Stepan Tkach have since been implicated in the torture by riot police of another detainee, former Surgut firefighter Aleksandr Khokhlov (not a Jehovah's Witness), who was arrested for alleged corruption in September 2019, the znak.com news website stated on 21 November 2019.

After regional investigators twice concluded that their colleagues had committed no criminal offence against the Jehovah's Witnesses, the federal-level Investigative Committee in Moscow took over investigation of the detainees' claims in June 2019 (http://www.forum18.org/archive.php?article_id=2489), but has so far issued no public conclusions nor apparently imposed any punishment or restrictions on those accused.

Forum 18 wrote to the Investigative Committee's Moscow press office before the start of the working day of 2 March, asking what the results of the investigation were, whether a criminal case had been opened, and why the officers concerned had not been arrested. No reply has been received.

On 2 March, Forum 18 also asked the Khanty-Mansi Regional Human Rights Ombudsperson, Natalya Strebkova, and federal Human Rights Ombudsperson, Tatyana Moskalkova, for the results of the investigation of the Jehovah's Witnesses' torture claims. Forum 18 has received no answer from either.

Commenting on the investigations, Jehovah's Witness lawyer Yegiazar Chernikov told Forum 18 in June 2019 that "it could last forever, until you and others have lost any interest in the subject". He continued: "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".

In August 2019, Jehovah's Witnesses met in Surgut with: Mikhail Fedotov, then-head of Presidential Human Rights Council; the head of the Khanty-Mansi Regional Investigative Committee; the First Deputy Regional Prosecutor; the Deputy Head of the Khanty-Mansi Regional Interior Ministry; the Region's Deputy Governor; and the mayor of Surgut.

"Officials were unable to explain why, despite strong evidence, a criminal case has not yet been opened into torture," Jehovah's Witnesses stated on 15 August 2019.

Natalya Fedina, the wife of one of the prosecuted Jehovah's Witnesses Yevgeny Fedin, commented (http://www.forum18.org/archive.php?article_id=2512) that it is "a paradoxical situation: a criminal case was opened against 19 people, but there was not a single victim. On the other hand, there are seven people who were tortured and there is not a single criminal case [against the torturers]".

In contrast to the apparent official lack of action against the torturers, their victims face prosecutions and restrictions. Loginov, Boronos, Kim, Kayrak, Plekhov, and Volosnikov have all been added to the Rosfinmonitoring "List of Terrorists and Extremists" and charged (http://www.forum18.org/archive.php?article_id=2512) under one or more parts of 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"), or Part 1.1 ("Inclination, recruitment or other involvement of a person in an extremist organisation").

Loginov, Boronos, Plekhov, Volosnikov have also been placed under travel restrictions. Kirill Severinchik does not appear to be subject to prosecution.

The criminal cases against the Surgut Jehovah's Witnesses were transferred in late 2019 or early 2020 to the federal-level Investigative Committee in Moscow, local news channel SurgutInformTV reported on 21 January 2020.

Nine Surgut Jehovah's Witnesses, including the seven torture victims, lodged an appeal (Application No. 10618/19) at the European Court of Human Rights (ECtHR) in Strasbourg on 25 February 2019. They made their application under Article 3 ("Prohibition of torture"), Article 5 ("Right to liberty and security"), Article 9 ("Freedom of thought, conscience, and religion"), Article 14 ("Prohibition of discrimination"), Article 17 ("Prohibition of abuse of rights"), and Article 18 ("Limitation on use of restrictions on rights") of the European Convention on Human Rights. The next day, the Court urgently ordered the Russian authorities to have Sergei Loginov (the only victim then in detention) sent for independent medical assessment. The Court has not yet communicated the appeal to the Russian government, Jehovah's Witness lawyer Shane Brady told Forum 18 on 11 March.

In February 2019, 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, reproduced on his blog on 25 February 2019, he insisted that a criminal case be opened against those responsible under Criminal Code Article 210 ("Organisation of criminal activity") and Article 286.3 ("Exceeding official powers"). To date, however, no such criminal case is known to have been opened.

Babushkin has twice asked the Khanty-Mansi Regional Investigative Committee for information on "measures aimed at the defence of the rights and legal interests of the applicants [the Jehovah's Witnesses]", according to a letter dated 27 November 2019 and re-sent on 10 March 2020, seen by Forum 18. He appears to have received no response.

Babushkin also refers in the letter to an additional investigation organised on 26 October 2019. It is unclear whether this was carried out at a regional or federal level, and no outcome is yet known. Forum 18 asked Babushkin for further details of his enquiries to the Investigative Committee, but has received no response.

The actions Babushkin called for are less than those required by Russia's binding international legal obligations, which also require the arrest of officials suspected of torture. Under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Russia is obliged to both arrest any person suspected on good grounds of having committed torture, and also try them under criminal law (http://www.forum18.org/archive.php?article_id=2489) 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) on Russia (<http://undocs.org/en/CAT/C/RUS/CO/6>) stated that it "is concerned .. that acts of torture or ill-treatment by public officials are usually prosecuted under [Criminal Code] article 286, abuse of authority, which does not reflect the grave nature of the crime of torture and does not allow the Committee to monitor the State party's prosecution of cases of torture".

Impunity in Kaluga

The FSB security service officers suspected of mistreating Jehovah's Witness Roman Sergeyevich Makhnyov (born 4 February 1976) in Kaluga, south-west of Moscow, in June 2019 also do not appear to have been either arrested or investigated.

On 26 June 2019, FSB operatives arrested Makhnyov in a raid on his home in Kaluga (http://www.forum18.org/archive.php?article_id=2493). According to Jehovah's Witnesses, they made his 15-year-old daughter go outside and stand barefoot in the street while they searched the family's flat.

During their hours-long search of Makhnyov's home, FSB officers planted items of banned Jehovah's Witness literature, Jehovah's Witnesses stated. When Makhnyov objected, they took him to the local FSB building, where they left him standing handcuffed to a heating pipe all night. Over the next two days of interrogation, officers did not give him any food and he only ate again on the morning of 29 June.

On the same day, the FSB raided six homes in Kaluga, including that of an 81-year-old woman. As well as Makhnyov, they arrested Dmitry Yevgenyevich Kuzin (born 10 July 1965). Both men were placed in pre-trial detention, but were sent home under house arrest on 25 December 2019.

Both Makhnyov and Kuzin have been charged 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"). On 20 February 2020, a court ordered their release from house arrest under travel restrictions.

Forum 18 wrote to the Kaluga Region FSB on 10 July 2019 and again on 4 March 2020, asking whether it has investigated its officers' maltreatment of Makhnyov and whether the officers concerned are still working. No response has been received to either

query.

Kaluga Regional Human Rights Ombudsman Yury Zelnikov told Forum 18 on 15 July 2019 that he was aware of the matter and had sent a request for information to the Regional Prosecutor's Office on 2 July 2019, but had as yet received no response.

On 12 March 2020, Zelnikov told Forum 18 that Makhnyov and his wife themselves had since approached him, and that he had communicated their appeals to the prosecutor's office. In its review of the incident, according to Zelnikov, the prosecutor's office found no violations of the law in the conduct of the search, and no evidence that FSB officers had used "illicit methods" against Makhnyov or his family. The prosecutor's office stated that neither Makhnyov nor any third party had complained to prosecutors or courts about his being deprived of food or his daughter being forced to wait outside during the search.

Zelnikov does not appear to have interviewed either the Makhnyov family or the FSB officers about the claims.

Senior Assistant Prosecutor Nikolay Labunsky told Forum 18 on 22 July 2019 that the Regional Prosecutor's Office had received a report from a third party about the FSB's use of "illicit methods" against Makhnyov, and that it was looking into the claims. He added, however, that any criminal case against FSB officials would have to be brought by military investigators of the Investigative Committee, as such issues do not fall under the competence of the Regional Prosecutor's Office. (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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