

St. Petersburg regional human rights organization

SOLDIERS' MOTHERS OF SAINT-PETERSBURG

191002, St. Petersburg, Razyezhaya, 9, RUSSIAN FEDERATION

OHCHR REGISTRY

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Recipients : CAT
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Attn.: Secretary to the Committee against Torture

Palais Wilson, 52 rue des Pâquis

CH-1201, Genève, SWITZERLAND

SHADOW REPORT ON TORTURE RELATED PRACTICES IN THE RUSSIAN ARMY

(I) Introduction

1. The Committee against Torture (hereinafter, “the Committee”) is scheduled to review the fifth periodic report submitted by the Russian Federation (CAT/C/RUS/5) pursuant to article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter, “the Convention”) at its forty-ninth session in October-November 2012.
2. Pursuant to rule 63 of its rules of procedure the Committee may wish to receive information, which is relevant to its activities, from relevant civil society organizations.
3. The source of this submission is the NGO “Soldiers’ Mothers of St. Petersburg” with the aim of supplying the Committee with documented information about torture-related practices in the contemporary Russian Army and the legal assessment thereof.
4. In the course of its previous review of Russia’s performance under the Convention, in 2006, the Committee expressed concern at the continuing reports of hazing in the military (*дедовщина*) and other torture-related practices in the armed forces conducted by or with the consent, acquiescence or approval of officers or other personnel (CAT/C/RUS/CO/4, § 10a). The Committee went on to urge the Russian Federation to apply a zero-tolerance approach to this continuing problem in its armed forces and to take immediate measures of prevention and ensure prompt, impartial and effective investigation and prosecution of such abuses (*ibid.*, § 10 *in fine*). In particular, the Russian Federation was urged to ensure the protection of victims and witnesses of violence in the armed forces and establish a rehabilitation program including appropriate medical and psychological assistance (*ibid.*).
5. A similar problem has been highlighted by the Committee in respect to other republics of the former Soviet Union. For example, at its 48th session in May 2012, the Committee expressed its concern at the hazing, ill-treatment and numerous non-combat deaths in the armed forces of Armenia (CAT/C/ARM/CO/3, § 9).
6. The issue of torture-related practices in the Russian Army was also raised in its list of issues prior to reporting sent to the Russian authorities in preparation for the present

review (CAT/C/RUS/Q/5, § 3g). It is, however, regrettable that these issues were not sufficiently covered in the State report.

7. This report's aim is therefore to supply the Committee with the documented information about torture-related practices in the Russian armed forces collected on the ground, with particular emphasis on practices which have not yet received sufficient international attention such as involuntary labor and slavery among the military, as well as involuntary psychiatric treatment imposed on soldiers.

(II) Torture, cruel, inhuman and degrading treatment or punishment in the armed forces

8. *Soldiers' Mothers of St. Petersburg* continue to record well-founded cases of torture, cruel, inhuman and degrading treatment or punishment in the armed forces. These practices constitute violations of **articles 1 and 16** of the Convention. Below are only some of the examples documented by our organisation.
9. In December 2009, *Soldiers' Mothers of St. Petersburg* were contacted by the mother of Mr Egor SHAFRANOV who had been beaten up by his fellow soldiers in the very first night of his stay at military unit no. 22558 located in the village of Novoseltsy, Novgorod Region. On 9 April 2010, the deputy military prosecutor of St. Petersburg wrote to *Soldiers' Mothers of St. Petersburg* in connection with the case of Mr Shafranov. The military prosecutor confirmed that Mr Shafranov had to leave military unit no. 22558 due to continuing ill-treatment there. When he returned to the military unit, he complained about ill-treatment. The military investigators initiated criminal proceedings against a certain Z. who was accused of beating Mr Shafranov at night. Mr Shafranov, due to the pressure from *Soldiers' Mothers of St. Petersburg*, was demobilized.
10. In January 2010 *Soldiers' Mothers of St. Petersburg* were contacted by Mr Sergei NOVIKOV who complained about ill-treatment by his fellow soldiers at military unit no. 75752. He was able to identify his alleged assailants by name.
11. In October 2010, *Soldiers' Mothers of St. Petersburg* were contacted by Mr Alexander POLYAKOV who alleged hazing at military unit no. 20697 (military intelligence) in St. Petersburg. He gave a written statement explaining in detail how he had been beaten up and ill-treated by senior military servicemen in July-September 2010. He was sent to the hospital but, fearing that he might be returned to military unit no. 20967, had to leave it. Mr Polyakov's statement together with accompanying documentation was forwarded by *Soldiers' Mothers of St. Petersburg* to the military prosecutors. In November 2010, due to the pressure from *Soldiers' Mothers of St. Petersburg*, Mr Polyakov was demobilized.
12. In February 2010, *Soldiers' Mothers of St. Petersburg* were contacted by the mother of Mr Rudolf PALENOV who complained about severe ill-treatment inflicted on her son by fellow military servicemen at military unit no. 74268 in Pskov. In particular, she observed numerous bruises on his face when visiting him at the military unit. According to Mr Polenov's statement, he was on numerous occasions severely beaten up by senior soldiers in January-February 2010. The complaint about this crime was sent to the Leningrad circuit military prosecutor's office.

13. In January 2010, *Soldiers' Mothers of St. Petersburg* were contacted by Mr Ivan PTITSYN who was forced to leave military unit no. 95041 in St. Petersburg due to persistent beatings there. He described the details of the ill-treatment he had to endure at the hands of his immediate commanders, detailed in his letter to the prosecutor's office of the navy, on file with *Soldiers' Mothers of St. Petersburg*.
14. In August 2010, *Soldiers' Mothers of St. Petersburg* were contacted by Mr Egor KHOKHLOV who had to leave military unit no. 02511 in Kamenka, Leningrad Region. According to his written statement, he was beaten up by his fellow soldiers who also forced him to run around wearing a gas mask. He referred to his assailants by name and explained that the beatings were part of an extortion campaign rampant in the military unit.
15. In February 2011, *Soldiers' Mothers of St. Petersburg* were contacted by Mr Asker ALIEV who explained how he had been severely beaten up by his fellow soldiers in military unit no. 13821 in Chernaya Rechka, near St. Petersburg.
16. In December 2011, *Soldiers' Mothers of St. Petersburg* were contacted by the mother of Mr Sergei BELOV who had been repeatedly beaten by more senior soldiers in the military unit no. 20634 stationed in the Northern Ossetia following his refusals to submit to their illegal demands.
17. In June 2011, *Soldiers' Mothers of St. Petersburg* learnt about the situation of Mr Sergei DEVYATILOV who had been transferred to the emergency unit of the military hospital allegedly following his severe beatings at military unit no. 20506, that is aboard a military vessel near Murmansk. On 21 July 2011, military prosecutors from Murmansk wrote to the chairperson of *Soldiers' Mothers of St. Petersburg* in connection with the case of Mr Devyatilov, informing them that criminal proceedings involving charges of aggravated and violent abuse of office were initiated against another sailor from the same vessel.
18. In September 2011, *Soldiers' Mothers of St. Petersburg* were contacted by Mr Evgeniy RADEEV who related the following about his service at military unit no. 73845 in Toksovo, Leningrad Region. Since the beginning of August 2011, Mr Radeev was being harassed by a certain soldier Z. who insisted that Mr Radeev would be at his service. On 10 August 2011, Z. severely beat Mr Radeev up for his failure to serve him a cup of tea. Similar incidents occurred on 12-14 August 2011 when Z. found imagined violations of discipline allegedly committed by Mr Radeev and severely beat him as an immediate consequence of this perceived disobedience. Z. also demanded that Mr Radeev regularly give him money and buy cigarettes for him. The same happened during the rest of August 2011 and in the beginning of September 2011. Z. also intentionally tore Mr Radeev's uniform, forcing Mr Radeev to urgently repair it to avoid being disciplined for the loss of his uniform. Beatings became harsher with the use of fists and legs, Mr Radeev had to leave the military unit. His detailed testimony was forwarded by *Soldiers' Mothers of St. Petersburg* to justice colonel Kiryanov, head of the military office of the Russian investigative committee in St. Petersburg.

19. In June 2011, *Soldiers' Mothers of St. Petersburg* were contacted by the mother of Mr Alexander BIKMURZIN. According to the information received, Mr Bikmurzin had been serving in military unit no. 90450 stationed near Bolshaya Izhora in the Leningrad Region where he was constantly and repeatedly beaten up by his fellow soldiers.
20. Most of the soldiers who had fallen victim to violent hazing explained that beatings were due to their refusal to hand over their money and/or valuable personal belongings (such as cell phones) to older servicemen. As such, these acts were usually part of widespread extortion which is endemic in the Russian army. Similar patterns of beatings are reported (beatings with fists through victim's hands placed on his head to avoid bruising). In some cases beatings serve as retaliation to soldiers who failed to obey or were perceived as failing to obey the informal "rules of the game" pursuant to which "younger" soldiers (who have served less time) should submit to power and are frequently left at the mercy of the "older" ones (who have served for longer).
21. In our experience, in most instances of beatings in the army and other types of violent hazing, elements of coercion and intimidation inflicted by those who are of higher military rank or who are perceived as being more senior are present. Hence these cases should be classified as torture within the meaning of article 1 of the Convention.

(III) Failure to investigate torture and ill-treatment, prosecute and punish those responsible

22. Impunity for torture-related practices is a systemic problem which is in direct contradiction of **article 12** of the Convention.
23. Although article 117 of the Russian Criminal Code now refers to torture (although this definition is not in full compliance with article 1 of the Convention), in over fifty cases of attempts to investigate and prosecute torture-related practices which *Soldiers' Mothers of St. Petersburg* followed up in 2009-2011, no one was convicted under this provision.
24. Convictions for torture-related practices which were secured concerned mostly lower-ranking perpetrators who received sentences without actual imprisonment (such as fines or suspended prison sentences). An important overview of some investigation attempts can be found in chapter 2 "Impunity" of "The Black Book" by Andzej Belovranin published in St. Petersburg in 2011 with support of the Nordic Council of Ministers and in co-operation with *Soldiers' Mothers of St. Petersburg*.
25. For example, in 2009 Mr Artyom DOGA complained about the beatings by Sergeant K. at the military unit in Sapyorny Village (Leningrad Region). Mr Doga testified as follows: "I was hit in the neck every day for the smallest fault, even for placing my boots crookedly... On 26 May [2009] I was hit in the head with a bolt carrier from a machine gun by Sergeant K. because he asked me for a rag and I did not have one. I was also hit in the back with a stick for crawling poorly... On 3 June 2009, Sergeant K. hit me in the kidneys. On that day he also threatened to kill me".
26. Mr Doga was also beaten up by others, as he testified: "On 2 June [2009] I received several blows from E.M. namely in the chest and face and my head was hit against a cupboard because I avoided a blow to the neck and wanted to defend myself... From