



CPT/Inf (2013) 2

**Response  
of the Russian Government**

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

**from 27 April to 6 May 2011**

The Russian Government has requested the publication of this response. The report of the CPT on its April/May 2011 visit to the Russian Federation is set out in document CPT/Inf (2013) 1.

Strasbourg, 24 January 2013

*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.*

**Commentary of the Russian Federation on the  
Report to the Government of the Russian Federation 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**

*(English translation provided by the Russian authorities)*

**On paragraphs 8 and 48 of the Report**

On its demand the CPT delegation was provided with accurate and full information on the issues of concern during the visit to SIZO No. 1 in Makhachkala and SIZO No. 1 in Vladikavkaz.

The information about the fact that several detainees were afraid to speak with the CPT delegation, and some of them stated that they had been warned by prison staff not to make any complaints to the members of the delegation has found no confirmation.

During the monitoring the public prosecutor's office established that before the visit of the CPT delegation suspects, accused and convicted persons, detained in SIZO No. 1 in Makhachkala and SIZO No. 1 in Vladikavkaz, were not morally or psychologically pressurized by employees of these institutions. Moreover, any kind of intimidating or retaliatory action against persons detained in SIZO No. 1 in Makhachkala and in SIZO No. 1 in Vladikavkaz after they had spoken to the CPT delegation did not take place.

**On paragraph 9 of the Report**

On August 24, 2011 an appropriate instruction was sent to the Internal Affairs Division for Transport in Makhachkala, the Internal Affairs Division for Transport in the region of North Caucasus in order to avoid unjustified obstruction of visiting by the CPT delegation detention places and access to relevant documentation.

At the same time, in connection with the difficult operational situation in the Republic of Dagestan in non-working time (the time when the CPT delegation expressed its desire to visit the institution) the entrance into the building of the Centre for combating extremism was strictly limited; the delegation also had to wait for nearly 30 minutes before being allowed to visit the Centre personally by the Director of the Centre, who accompanied it when the delegation was making its round through the offices.

At the same time, a letter about the need to take additional measures to ensure that such incidents do not occur during future visits was sent to the Minister of Internal Affairs of Dagestan.

**On paragraph 10 of the Report**

According to Article 2 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, adopted in 1987, "each Party shall permit visits to any place within its jurisdiction where persons are deprived of their liberty by a public authority".

The legislation of the Russian Federation defines the exhaustive list of facilities, where it is allowed to detain such category of persons: investigatory isolation wards, correctional facilities of the criminal-executive system, detention centres of internal affairs bodies, as well as detention centres of border control bodies, the list of which was given to the CPT delegation in the course of the visit to Russia.

Taking into account the fact that people, deprived of their liberty, are not detained in the Russian FSB institutions, as well as because of the absence of instructions of the possible presence of detainees in the premises of the Federal Security Service of the Russian Federation, no meeting was arranged between the head of the FSB Directorate of Russia for the Republic of Dagestan and the members of the CPT delegation.

**On paragraphs 11 and 12 of the Report**

The CPT delegation requested to meet Deputy Prime Minister Mr. Alexander KHLOPONIN, Plenipotentiary Representative of the President of the Russian Federation in the North Caucasian Federal District, as well as the Chairman of the Investigative Committee of the Russian Federation, Mr. Alexander BASTRYKIN. However these meeting did not take place in the period from April 27 to May 6, 2011 for objective reasons, about what the CPT delegation had been informed in proper time.

On August 30, 2011 meetings between the CPT Chairman, Mr. L. Huseynov, and Mr. R.G. Nurgaliyev and Mr. A.I. Bastrykin were organized in Moscow, as well as on September 2, 2011 a meeting with Mr. A.G. Khloponin was held in Yessentuki. During the latter the report prepared by the CPT was discussed in detail.

### **On paragraphs 13, 14, 15 and 16 of the Report**

The Russian Federation pays special attention, whether the public prosecutor's office observes citizen rights during criminal proceedings. There is neither fact, nor message about violation of the rights of suspects and accused persons and the use of prohibited methods of interrogation and investigation, which could be left without the appropriate response.

At the same time, analyzing materials of checks conducted under the complaints of the persons put on trial testifies to the fact that mostly the content of the applicants' complaints was of the same kind and concerns description of the circumstances of exerting a physical and moral influence by operational officers towards suspects and the accused with a view to making them confess.

Not only the coincidence between description of some circumstances of using violence (place and method), but also quite a similar style of writing complaints draw special attention. The applicants, as a rule, do not site objective facts to prove their arguments, in particular, data on the operating officers, who abused them (their names, surnames, appearance). In this connection, there are reasonable grounds to consider that many of the complaints brought by suspects (the accused) are dictated by an attempt to avoid responsibility for their deeds. All of these circumstances testify to the fact that applicants have chosen this method of defence in criminal cases, in which they are involved. Besides, these facts indicate their intention to question the legality of the investigatory actions held with their participation by submitting these applications.

### **On subparagraph I of paragraph 17 and paragraph 21 of the Report**

On April 11, 2011 there was initiated a criminal case on the fact of encroachment on law enforcement officers' lives, who conducted the operative-search activities, in the course of which 5 officers died of the wounds received, seven people were hospitalized with gunshot wounds. Three members of the illegal paramilitary group were killed with return fire.

The investigation of the case ascertained accomplices of illegal paramilitary groups, including Mr. A, who was detained on April 16, 2011 on the basis of Articles 91, 92 of the Code of Criminal Procedure of the Russian Federation and was taken to the temporary holding facility. A measure of restraint in the form of arrest was chosen for him.

According to the records of medical examination of persons brought to the temporary holding facility of the Interior Ministry of Makhachkala, upon his arrival at the IVS in Makhachkala, on April 16, 2011, Mr. A had bluish hematomas under both eyes and reddish excoriations around both thumbs as well as on the nose.

Representatives of the CPT visited Mr. A the day, when he was brought to SIZO No. 1, i.e. on April 16, 2011, following which he filed a complaint about the use of physical force and special means by officers of Internal Affairs divisions, and when he was charged with committing a crime, stipulated by part 2 of Article 208 of the Criminal Code of the Russian Federation (participation in an illegal paramilitary group), he retracted his initial testimony, explaining that he allegedly gave the evidence being under pressure by officers of the Internal Affairs divisions.

A medical examination of Mr. A performed in SIZO No.1 of FSIN of Russia in the Republic of Dagestan revealed bodily injuries and excoriations on the back side of both hands, covered by crusts and the presence of red-coloured abrasion on the nose.

That fact was examined in the framework of the investigation in respect of Mr. A criminal case. Henceforth, the material is being investigated within the framework of separate judicial proceedings. During the inspection Mr. A explained that nobody ill-treated him and that his evidence about the use of violence and torture as well as about illegal deprivation of freedom was false. He added that he gave such evidence because he was offended by law enforcement officers, who had promised to release him on his pledge not to leave after he would have confessed.

The lawyer of Mr. A and the investigator, who were interrogated, explained that during the detention and interrogation of Mr. A as a suspect he did not make any statement that he had been ill-treated.

To clarify the circumstances, under which Mr. A received the injuries, a forensic pathologist was interrogated. He stated that the mentioned circumstances of ill-treatment against Mr. A did not correspond to those fixed on his body injuries.

According to the forensic pathologist, the injuries mentioned above could not have occurred if Mr. A had been beaten with fists and shod feet. The bruises indicated in the act of examination could have been formed because of some blunt solid object with a rough surface. Injuries fixed on the rear surface of Mr. A's hands looked like the impact of handcuffs, the use of which was recognized as legal by the Ministry of Internal Affairs of Russia for the Republic of Dagestan on August 27, 2011.

The information gathered in the course of the inspection indicates that Mr. A had already had hematomas of bluish colour under the eyes, and reddish excoriations around both thumbs as well as on the nose before he was taken to the temporary holding facility. Taking the above-stated into account, it can be assumed that these injuries were formed because of using force during the arrest by law enforcement officers, who had had to use force because Mr. A provided assistance to the illegal paramilitary group members and he could have had firearms. Abrasions on the hands could be formed as a result of wearing handcuffs, when he was brought from the temporary holding facility to SIZO No. 1 and during investigative actions.

In the course of review it was impossible to interrogate law enforcement officers, who rounded up the detainee and brought him to the temporary holding facility, because of the fact that the data about persons, who have ever participated in a special operation, never can be disclosed in accordance with the Federal law on Counteracting Terrorism and the list of data classified as state secret approved by Presidential Decree No. 1203 of November 30, 1995.

When checking observance of legality of imprisonment by the Prosecutor's office of Makhachkala no violation was revealed. Mr. A, the detainee, did not file any complaint of ill-treatment.

The process of inspection did not establish any fact, which could indicate, whether Mr. A was in SIZO, temporary holding facility or Centre for combating extremism for the Republic of Dagestan within the period from 14 to 15 of April 2011.

According to the results of review on December 10, 2011 the investigator of the second Department for Investigation of Especially Important Cases of the Russian Investigative Committee for the Republic of Dagestan denied instituting criminal proceedings on the basis of paragraph 2 of part 1 of Article 24 of the Code of Criminal Procedure of the Russian Federation (for the lack of corpus delicti)

In the period between April and May 2011 no medical examination of Mr. A was held. On April 26, 2011 the head of SIZO No. 1 medical unit conducted medical examination of Mr. A, about which a statement was drawn up.

It should be noted that in accordance with the recommendation of the CPT there was created a register of medical examinations of prisoners, who are examined after their return from investigative actions, led by law enforcement bodies. All three registers (this one, the register of medical examinations and the register of injuries fixed upon prisoners' arrival at the facility) are maintained properly.

**On subparagraphs II, III, IV, V, VI, IX and X of paragraph 17 of the Report**

To check arguments about the use of violence towards Mr. B, C, D, E, F, I and J the Ministry of Internal Affairs of Russia for the Republic of Dagestan and the FSIN of Russia for the Republic of Dagestan were demanded to give information about the fact of registration of citizens' complaints.

According to the information obtained during the periods indicated in the report facts of ill-treatment, as well as complaints of the use of violence in the SIZO and temporary holding facility were not registered.

In the absence of sufficient information (names of citizens, etc.) it is not possible to carry out procedural checking of the above-stated facts and to make comments.

**On subparagraph VII of paragraph 17 and paragraph 21 of the Report**

The criminal case against Mr G's cousin who is charged with the execution of crimes provided by Part 2 of Article 209 ("banditry"), Article 317 ("infringement on law-enforcement agent's life") (in general by 16 articles of the Criminal Code of the Russian Federation) and the criminal one against Mr G who is charged with the execution of crimes provided by Part 2 of Article 209 ("banditry"), Article 317 ("infringement on law-enforcement agent's life") (in general by 18 articles of the Criminal Code of the Russian Federation) were opened on July 12, 2010 by the investigator of the Leninskiy inter-district investigatory office of the investigative department of the Investigative Committee of the Russian Federation in the Chechen Republic.

Mr G's cousin and Mr G were detained on September 24, 2010, and according to the court ruling they were taken into custody on September 26, 2010. On May 20, 2011 the criminal cases against Mr G's cousin and Mr G were sent to the court for substantive consideration.

Moreover, there is no information about the unlawful detention of Mr G's cousin and Mr G on September 19, 2010 and their confinement in a private house in the Katayama settlement in the Staropromyslovskiy District of Grozny and also about the ill-treatment which included electric shocks, severe beatings (kicks and punches), pouring boiling water on feet and threats that they would be raped in the investigative department of the Investigative Committee of the Russian Federation in the Chechen Republic.



Though on October 26, 2010 it was reported about some materials which came from the Investigatory isolation ward 20/1 of the Federal Penitentiary Service of the Russian Federation in the Chechen Republic. These materials concerned the facts of bodily injuries of Mr G and his cousin. The investigative department of the Investigative Committee of the Russian Federation in Chechen Republic initiated the examination of this matter according to Article 144 (“the order of consideration of a crime report”) and according to Article 145 (“decisions which are undertaken by the results of consideration of a crime report”) of the Code of Criminal Procedure of the Russian Federation.

In the process of interrogation Mr G and his cousin said they had got bodily injuries after the resistance to law-enforcement agents during the detention on September 24, 2010.

According to the results of the additional examination carried out on July 1 2011, it was decided to refuse to launch criminal case on the grounds of Paragraph 1 of Part 1 of Article 24 of the Code of Criminal Procedure of the Russian Federation (“the absence of a criminal act”). Moreover, there were no appeals, applications or petitions from Mr G to the investigative department after the indicated date. The examination itself showed the following.

According to the medical examination act dated October 18, 2010 Mr G’s cousin had bodily injuries (which he had got during the detention on September 24, 2010, as he said): there was a haematoma on his right leg, there were gunshot wounds on his right and left legs, there was a haematoma purple in colour on the middle third of his right leg, there were traces of burns measuring 20 x 10 cm on the lower third of his left leg, there were traces of burns on the front part of his right foot and also there were areas of burns which circularly affected the first and the fifth toes of his left foot.

According to the medical examination act No. 1245 dated November 22, 2010 and based on the medical examination act dated October 18, 2010 experts found on Mr G’s cousin’s body circular burns of toes on the left foot, burn wounds on the left leg and on the right foot, injuries and bruises on both lower extremities. It was not possible to answer questions concerning the origin of bodily injuries, the remoteness and the seriousness of health damage because of the absence of objective data.

According to the medical examination act dated October 18, 2010 Mr G had bodily injuries (which he had got during the detention on September 24, 2010, as he said): there was a haematoma purple in colour on the right leg in and around longitudinal muscle, there were traces of burns by liquid in and around the ankle joint of the left leg, moreover there were traces of burns on the right leg in and around the anterior surface of the crus in the lower third of the leg, there were traces of burns in and around the right ankle joint and foot and also there were traces of amputation of the 5th toe of the right foot.

According to the act of expert No. 1246 dated January 13, 2011 Mr G's cousin had bodily injuries in the form of abrasions of I-IV toes of the left foot and the same fingers of the left hand. Also he had paunches of lower extremities. The bodily injuries in the form of abrasions of fingers and toes are the result of the influence of the current-carrying wire.

According to the act of expert No.1451 dated January 20, 2011 Mr G had bodily injuries in the form of numerous abrasions and bruises on the chest, on stomach and on both forearms and circular abrasion of the 1<sup>st</sup> toe of the right foot. The bodily injuries in the form of abrasions and wounds located on the chest, on stomach and on forearms could be made by some cutting object. With due regard for the location of bodily injuries one should not rule out the possibility that these wounds could be made by himself. The bodily injury in the form of circular abrasion of the 1<sup>st</sup> toe of the left foot could be aroused because of the influence of the current-carrying wire.

Afterwards, it was impossible to carry out the medical examination of Mr G and his cousin outside the Chechen Republic. As a matter of fact, since May 20, 2011 the Supreme Court of Chechen Republic is considering their criminal cases.

The interrogated forensic medical expert who examined Mr G and his cousin explained that in his report he made conclusions about the bodily injuries of Mr G and his cousin which had been caused by the current-carrying wire, according to the words of the witnesses about electric shocks. In fact, the conclusions in his report have stochastic nature.

Mr G explained to the operative agent of the Investigatory isolation ward 20/1 of the Federal Penitentiary Service of the Russian Federation in the Chechen Republic that he had got his bodily injuries during the detention by law-enforcement agents in the Staropromyslovskiy district of Grozny on September 24, 2010.

Mr G's cousin explained to the operative agent of the investigatory isolation ward 20/1 of the Federal Penitentiary Service of the Russian Federation in the Chechen Republic that he had got his bodily injuries during the detention by law-enforcement agents in the Staropromyslovskiy district of Grozny on September 24, 2010.

The interrogated Mr G and his cousin explained that on September 19, 2010 they had been practically detained by policemen near the commercial centre "Berkat" in the Leninskiy district of Grozny. After that they were brought to one of the private houses in the Katayama settlement which was located in Staropromyslovskiy district of Grozny. They were confined there during three days and were tortured by electric shocks and with the use of other means of physical violence with the purpose to get their confessionary statements. Moreover, on the night between December 23 and December 24, 2010 during the confinement in the detention centre No. 4 (in the Staropromyslovskiy district of Grozny) they were repeatedly tortured by electric shocks to prevent them from denying their confessionary statements in future. After that they decided to make an application about unlawful methods of inquiry. They were allegedly afraid of doing it before.

The interrogated head of the Criminal Investigation Department No. 4 of Grozny explained that on September 24, 2010 the police carried out the operation aimed at the detection of members of criminal group under the leadership of H. S. which was involved in grave crimes in the 27<sup>th</sup> sector of the Staropromyslovskiy district of Grozny. When policemen tried to check one of the houses somebody opened fire. In that situation, the policemen blocked the house. The fight itself took 15-20 minutes. Then the policemen proposed persons who were in the house to surrender and after that they were detained. The detainees turned out to be Mr G and his cousin, members of the criminal group under the leadership of H. S. who had been killed before this incident. They were allegedly involved in the infringement on law-enforcement agents' life. During the crossfire a policeman was wounded and the house caught fire. When policemen entered the house, one of the detainees lay unconscious. He already had burns on his legs. After the detention nobody used any forms of violence against Mr G and his cousin with the purpose to get confessionary statements about the crimes committed.

The same explanations were given by three policemen from the above mentioned department.

The attendant police officer of the detention centre No. 4 of Grozny was also interrogated. He explained that on September 24, 2010 Mr G and his cousin had been brought to the detention centre No. 4. The policemen who brought them said that these persons had been detained at the 27<sup>th</sup> sector in the Staropromyslovskiy district of Grozny after serious armed resistance. When being brought, they had bodily injuries got during the fight. In the detention centre No. 4 Mr G and his cousin were examined by a doctor. During the detention of the indicated persons in the detention centre No. 4 of Grozny nobody used any forms of physical violence against them. Moreover, there were no complaints from them.

The same explanations were given by the assistant to the attendant police officer of the detention centre No. 4 of Grozny.

Security chief assistant of the commercial centre "Berkat" with four security guards and two employees were also interrogated. They did not confirm the information about the implementation of any police operation in this area on September 19, 2010. Moreover, they denied any detentions.

According to the report concerning the examination of the place of the incident dated February 10, 2011 the house with the following address (Grozny; the Staropromyslovskiy district; sector 27; building 7) had ignition traces and much damage provoked by using fire arms. These facts prove that in that particular house the fight took place.

Beyond that to the materials of the examination were added some relevant ones which were taken from the criminal cases of Mr G and his cousin.

In particular, according to the evidence given by the agent of Chechen OMON during the fight on September 24, 2010 he got a fragmentation wound because of grenade which was launched by Mr G and his cousin.

On September 25, 2010, Mr G and his cousin were questioned as suspects in the presence of their defenders. The suspects made confessionary statements about the committed crimes and pointed out that they had got their bodily injuries on September 24, 2010 after serious armed resistance against policemen.

The confessionary statements made by Mr G and his cousin were confirmed on September 26, 2010 during the court session at which they were taken into custody and also when questioned as accused on October 5, 2010. However with the purpose to avoid criminal liability Mr G and his cousin changed their evidence concerning the circumstances of their detention by policemen.

In view of the results of the examination, there is no reason to launch any criminal case. This decision is based on Paragraph 1 of Part 1 of Article 24 of the Code of Criminal Procedure of the Russian Federation.

Mr G and his cousin along with their defenders have never appealed to the chief of the investigative agency, to the prosecutor or to the court against the refusal to launch criminal case.

The Supreme Court of the Chechen Republic sentenced Mr G and his cousin to a 25-year imprisonment. The sentence itself came into effect on July 10, 2012.

### **On subparagraph VIII of paragraph 17 and paragraph 21 of the Report**

The investigative department of the Investigative Committee of the Russian Federation in the Republic of North Ossetia-Alania launched a criminal case on the fact of use of violence by some policemen from the police department No. 2 of Vladikavkaz against Mr H on the grounds of his sisters' application. The criminal case was launched on May 24, 2011 on the basis of crime provided by Paragraph "a" of Part 3 of Article 286 of the Criminal Code of the Russian Federation ("abuse of power").

Investigators managed to establish the involvement of four policemen from the police department No. 2 of Vladikavkaz in the crime (two persons are still unidentified).

On December 31, 2011 from the criminal case concerning the infliction of bodily injuries to Mr H another criminal case was taken against an agent of the police department No. 2 of Vladikavkaz and against two unidentified persons. This case was suspended on January 10, 2012 because of the search of a suspect agent of the police department No. 2 of Vladikavkaz.

After the implementation of the set of interrogative and operative measures aimed at the establishment of real circumstances of the crime, on January 17, 2012 the court finally charged the second identified agent of the police department No. 2 of Vladikavkaz with the crime provided by Paragraph "a", "b" of Part 3 of Article 286 of the Criminal Code of the Russian Federation.

On February 6, 2011 the pre-trial investigation of the criminal case concerning charges against the second identified agent of the police department No. 2 of Vladikavkaz with the crime provided by Paragraph "a" of Part 3 of Article 286 of the Criminal Code of the Russian Federation was closed.

The case was sent to the prosecutor of the Republic of North Ossetia-Alania for delivering a judgment according to Part 1 of Article 221 of the Code of Criminal Procedure of the Russian Federation.

On February 17, 2012 the indictment was adopted by the prosecutor and the criminal case was sent to the Sovetskiy district court of Vladikavkaz for substantive examination.

The Sovetskiy district court of Vladikavkaz sentenced D.S.B. to the 3,6 year's confinement in a general regime colony. Recently, he filed an appeal to a higher court.

According to the requirements stated in Paragraph 2 of Part 2 of Article 82 of the Federal law dated November 30, 2011 No. 342-FZ "On the service in internal affairs bodies of the Russian Federation and the introduction of changes into certain legislative acts of the Russian Federation" since February 1, 2012 P.A.V. is fired from the internal affairs bodies. Nowadays P.A.V. is included in the federal most wanted list on the grounds of Part 3 of Article 286 of the Criminal Code of the Russian Federation.

### **On paragraphs 20 and 30 of the Report**

Recommendations given in paragraphs 20 and 30 of the Report are taken into account and realized through measures of investigation used by investigation units of the Investigative Committee of the Russian Federation.

Thus, law enforcement authorities of investigation units of the Investigative Committee of the Russian Federation are aimed at strict observance of the rights and legitimate interests of all participants in the criminal proceedings, discharging of their duties in strict compliance with the legislation of the Russian Federation, exercising due diligence as far as it concerns messages (data) about ill-treatment and other unlawful acts committed by law enforcement officers towards suspects and other people.

Investigators are recommended to carry out a forensic medical expertise aimed to determine the existence of any kind of injuries and the circumstances of their occurrence right after the detention of a criminal suspect.

The Investigative Directorate of the Investigative Committee for the Chechen Republic has prepared a draft instruction dedicated to the compulsory forensic medical expertise of these people and also where there are grounds to believe that unlawful methods of interrogation were used by officers in charge of the operational support on a particular case and delegation of such support to another subdivision of a law enforcement agency.

The Investigative Directorate of the Investigative Committee for the Republic of Dagestan issued an instruction which obliges investigators to carry out forensic medical expertise in every case of detention of a suspect. Thus, it should be noted that in the second half of 2011 on cases under supervision of the investigators from the Investigative Committee of the Russian Federation for the Republic of Dagestan, there were no allegations of ill-treatment of suspects (defendants).

In case of certification of a fact that an officer was involved in an ill-treatment of the detainees and the initiation of proceedings according to the criminal procedure legislation of the Russian Federation the investigator decides to initiate a petition in court to suspend an officer which is prosecuted in order to avoid any contacts with the victim.

Moreover, under no circumstances should investigators permit the officers who allegedly ill-treated the suspect to convoy them.

The investigations of criminal cases and the examination of all the data should be subject to continuous monitoring.

Investigation Department of the Investigative Committee of the Russian Federation and the Ministry of the Interior for the Republic of Dagestan issued on July 19, 2011 a joint order that confirms the Instruction to organize their interaction in revealing and investigating crimes committed by officials from internal affairs agencies.

In order to elaborate joint decisions to prevent violations of human rights and freedoms and increase interaction between the Investigation department and the Ombudsman for the Republic of Dagestan, an agreement for mutual cooperation and interaction was signed on August 2, 2011.

Cooperation between the Ombudsman in the Republic and the Investigation Department of the Investigative Committee of the Russian Federation for the Republic of North Ossetia-Alania is being intensified.

The Public Council composed of the representatives of public organizations of the Republic of North Ossetia-Alania including religious, human rights and educational organizations operates under the Investigation Department in order to attract general public and develop active citizenship.

The Public Council aims to harmonize socially significant interests of citizens, public organizations, state authorities and local government to solve the most important issues related to activities of the Investigation Department, implementation of the principles of transparency and openness in the work of the investigative body, protection of the rights and freedoms of the citizens and democratic principles of the development of civil society in the Russian Federation.

The Investigation Department of the Investigative Committee of the Russian Federation for the Republic of North Ossetia-Alania widely uses in its work such means as coverage in the media of the results of criminal investigations of criminal cases on illegal activities towards citizens by law enforcement officers.

The Internet-portal was created and now works to give to the citizens an opportunity to lodge a complaint about violence towards them by law enforcement officers. Moreover, the monitoring of the media and web-sites is carried out daily to proactively reveal mentioned offences. Heads of investigative units of the Investigative Committee of the Russian Federation personally meet with citizens weekly.

To become employed with the Investigation Department of the Investigative Committee of the Russian Federation for the Republic of Dagestan, a candidate willing to receive public post should go through psychophysical examination (polygraph) and while serving their duty systematically work at the improvement of their professional skills; discussion sessions are held for this purpose.

It is highly recommended to carry out a thorough and independent investigation into the methods of interrogation used by the staff of the Centre for Combating Extremism for the Republic of Dagestan and it has become clear that in 2011-2012 there were no information about ill-treatment towards detainees or defendants or other people on the territory of the Centre for Combating Extremism in Makhachkala that is why there were no legal grounds to carry out appropriate investigation.

According to the general rules of the Code of Criminal Procedure of the Russian Federation established in Part 4 of Article 164 of the Code of Criminal Procedure (“general rules for investigatory actions”), the use of violence, threats and other unlawful measures is illegal as well as endangering life and health of people involved in the investigative procedure. However, part 1 of Article 75 of the Code of Criminal Procedure of the Russian Federation (“incompetent evidence”) states that the evidence obtained violating the requirements of the CCP have no legal force and cannot form the basis for the prosecution.

According to Federal law of February 7, 2011 No. 3-FZ “On the police” (Chapter 2) the police acts on the basis of observance and respect for the human rights and civil liberties. A police officer is prohibited to resort to torture, violence and other kinds of inhumane or degrading treatment. A police officer should preclude any action that causes pain, physical or moral suffering of a citizen.

According to Article 9 of the CCP of the Russian Federation, respect of the person’s honour and dignity is one of the basic principles of legal proceedings. Thus, there is a direct prohibition on the realization of actions and making decisions humiliating the dignity of a participant of legal proceedings and also the treatment that might be degrading for their dignity or endangering their lives or health. None of the participants in the criminal proceedings may be a victim of violence, torture or any other inhuman or degrading treatment. According to Part 4 of Article 164 of the Code of Criminal Procedure (“general rules for investigatory actions”), it is unacceptable during the legal proceedings to use violence, threats and other unlawful measures as well as endangering life and health of people involved in the investigative procedure.

The above-mentioned prohibitions are guaranteed by the provisions of Part 2 of Article 77 of the CCP of the Russian Federation (“testimony of the accused”), according to which the admission of guilt by the defendant can be used as a basis for the prosecution only if the cumulative evidence proves their guilt. However, any doubt in the guilt of the defendant that cannot be eliminated under the procedure established in the CCP of the RF are interpreted in the defendant’s favour.

According to Article 95 of the CCP of the RF (“order of detention of suspects in custody”), appointments between a suspect and an officer of an agency of inquiry who carries out investigative activities in case of need for special investigative work are only allowed with a written permission of the investigator, interrogation officer or the court that are responsible for the investigation of the criminal case.



As measures preventing the use of violence in order to get confessionary statements it is necessary to note the differentiation of jurisdiction in the issues of investigation and safety assurance for the detainees in custody. Different interests of the staff of the preliminary investigation and inquiry and the Federal Service for the Execution of Punishment also guarantee their independence, e.g. their disinterest in case of revealing the facts of ill-treatment.

In order to observe human rights in places of forced imprisonment the order from the Ministry of the Interior of September 16, 2009 No. 1/7266 "On distinct measures aimed to strengthen control over the observance of human rights by law enforcement officers of the Russian Federation" was issued.

Moreover, for further humanization and observance of human rights and freedoms more than 15 amendments were made to Federal law of July 15, 1993 No. 103 "On the order of detention of suspects in custody".

Supervision of compliance with the law in internal affairs agencies and investigations into the crimes committed by law enforcement officials of the Russian Federation is under the jurisdiction of prosecution agencies.

Investigators of investigative departments for the constituents of the Russian Federation are focused on holding the most thorough inspection of all the arguments of the claimants that suffered from ill-treatment by law enforcement officials, detailed interrogation of all people involved into the facts of the use of violence and immediate initiation of a criminal case if there are sufficient objective evidence of a committed crime.

It should be noted that the Investigative Directorate of the Investigative Committee took a number of organizational measures aimed to provide for the observance of the rights and freedoms of the citizens for the Republic of Dagestan.

The head of the Investigative Directorate of the Investigative Committee for the Republic of Dagestan on June 2, 2011 took part into the offsite meeting of Civil Society Institutions and Human Rights Council under the President of the Russian Federation; on July 14, 2011 – in the coordination meeting on the rule of law in the Republic of Dagestan, on the issue of the status and the improvement efforts dedicated to the observance of human rights in the Republic of Dagestan. On August 2, 2011 the senior officials of the Investigative department participated in the session of the Expert Council under the Ombudsman for the Republic of Dagestan on the topic "The rights of citizens for access to adequate help". The Investigative Directorate and the Ombudsman for the Republic of Dagestan signed the treaty on mutual cooperation and interaction during this session.

The senior officials of the Investigative department made a decision to invite the Ombudsman for the Republic of Dagestan to take part in the session of the Investigative department collegiate to discuss the issues related to the observance of constitutional rights of the citizens.

The Investigative department of the Investigative Committee for the Republic of Dagestan and the Ministry of the Interior for the Republic of Dagestan on July 19, 2011 approved the Instruction on organization of interaction aimed to reveal and investigate the crimes committed by law enforcement officials.

### **On paragraph 22 of the Report**

In the context of low occupancy of the temporary detention facility located in the buildings of the ORB-2 in the city of Grozny (1 person in a month), the existence in Grozny of 3 temporary detention facilities and also the required considerable financial expenses for its reconstruction the senior officials of the Ministry of the Interior made a decision that further functioning of the mentioned facility is inadvisable.

### **On paragraph 23 of the Report**

The criminal case on the abduction of Mr. K was initiated under Article 126, Part 2, paragraphs "a", "v" and "g" of the Criminal Code ("Abduction").

The investigation found that on December 11, 2009 at 8:20 a.m., in Grozny, at least 30 unidentified persons in camouflage and with firearms arrived by cars at Mr. K place of residence and brought him at gunpoint to the Headquarters of the Special Purpose Police Unit (OMON) of the Ministry of Internal Affairs for the Chechen Republic, located in Grozny at Bohdan Khmel'nitsky Street. There, he was kept in the basement of a detached private house until his release on April 2, 2010.

The investigation made a video-recorded on-site verification of the testimony of Mr. K, during which he showed the base of the Special Purpose Police Unit (OMON), the house, where he was detained, how he was escorted around the premises of the Special Purpose Police Unit (OMON), where he took a shower etc. He also identified the OMON Deputy Commander on Equipment and Armament as the officer who had seen him during his detention at the base and had talked to him about his apprehension.

Mr. K identified the OMON Deputy Commander and the OMON First Deputy Commander as those who had visited him in the basement.

During his detention from December 11, 2009 to April 2, 2010, Mr. K was repeatedly visited in the basement by an officer of the Criminal Investigation Unit of the Second Police Department (OUR OM-2) named N, who was also in charge of search for Mr. K within the criminal case of his abduction.

The interrogation of the Head of the Criminal Investigation Unit of the Second Police Department (OUR OM-2) revealed that in 2009 an officer named N had been assigned to the Unit, but the Head of the Unit did not have his personal data (the investigation officers has taken appropriate measures to establish his identity).

On the basis of a court order, the house on the premises of the Special Purpose Police Unit (OMON) for the Chechen Republic was searched with the participation of Mr. K, the search included special measures to find traces of his stay in this house. During the search, the investigation failed to find the nail, which had allegedly been buried by the victim; the furniture of the house did not match the testimony of Mr. K.

The Forensic Science Centre of the Central Internal Affairs Directorate (GUVVD) for the Stavropol Krai scheduled 12 forensic analyses of fibres taken from "Gazel" and "Sobol" cars owned by the Special Purpose Police Unit (OMON) for the Chechen Republic.

The investigation conducted a lie detector test of Mr. O, legal adviser for the Special Purpose Police Unit (OMON) for the Chechen Republic. According to the expert, reactions of Mr. O indicate that he knew in 2010 about the detention of Mr. K on the premises of the Special Purpose Police Unit (OMON), but he is likely to have received this information from other members of the Unit. The witness O was not engaged in guarding Mr. K.

The reply to the request from the Regional Office of the Ministry of Internal Affairs of the Astrakhan Oblast regarding the lack of information about Mr. P, who, according to the testimony of Mr. K, had been held in detention together with him and then was allegedly killed by officers of the Special Purpose Police Unit (OMON) for the Chechen Republic, was attached to the case.

The investigation officers studied the criminal case on kidnapping Mr. P.

The Ministry of Internal Affairs of the Chechen Republic was requested to conduct an internal investigation into actions of officers of the Second Police Department (OM-2) for Oktyabrsky district under Internal Affairs Directorate for Grozny city regarding their interference with investigation (evidence verification) on the premises of the Department on May 26, 2011.

The Federal Security Service Directorate for the Chechen Republic and Operational Investigation Unit of the Main Directorate of the Ministry of Internal Affairs for the North Caucasus Federal District were requested to identify 28 persons being, according to Mr. K, officers of the Special Purpose Police Unit (OMON) for the Chechen Republic, who were guarding, visiting and escorting him during his illegal detention.

An investigator together with Mr. K, his representative and an interpreter visited Novosibirsk to conduct identification with participation of a former officer of the Second Police Department in Grozny. K recognized no one.

It was decided to provide state protection for Mr. K and his close relatives, and the appropriated measures were taken in this regard.

Mr. K identified Mr. Q and Mr. P by photos.

The investigation undertook, in cooperation with internal affairs bodies, a number of necessary investigative and operational measures to solve the crime. The criminal investigation continues.

Following the request by Major of Justice Rustam Varayev, Head of the Zavodskoy Interregional Investigative Unit of the Investigative Directorate of the Investigative Committee of the Russian Federation for the Chechen Republic, in July 2012, the Internal Security Directorate of the Ministry of Internal Affairs of the Chechen Republic conducted an inquiry regarding the abuse of power by officers of the Second Police Department (OP-2) for Oktyabrsky district under Internal Affairs Directorate for Grozny city. This inquiry found no objective proof of the information about unlawful actions of the officers of the Second Police Department (OP-2) for Oktyabrsky district under Internal Affairs Directorate for Grozny city against Mr K and members of his family. The results of the inquiry were sent to the Zavodskoy Interregional Investigative Unit of the Investigative Directorate of the Investigative Committee of the Russian Federation for the Chechen Republic to be included into inquiry materials.

### **On paragraphs 24 and 27 of the Report**

In 2010 and during the first six months of 2011, five criminal cases were initiated under Article 286, Part 3, paragraph "a" of the Criminal Code ("Exceeding Official Powers") following reports about police officers using violence and illegal techniques against citizens in the Republic of North Ossetia-Alania, pre-trial process is complete for three of them and they are forwarded to the court for consideration on the merits, two are still being investigated.

After hearing two criminal cases, the court sentenced four police officers to various terms of imprisonment with deprivation of the right to hold positions in the law enforcement agencies. One criminal case is yet to be heard by the court.

84 appeals were dismissed due to insufficient evidence for a criminal case.

In 2010 and during the first six months of 2011, six criminal cases were initiated following reports about police officers using violence and illegal techniques against citizens in the Republic of Dagestan, five of them were opened under Article 286, Part 3, paragraph "a" of the Criminal Code ("Exceeding Official Powers") and one was initiated under Article 285, Part 1 of the Criminal Code ("Abuse of Power") and Article 286, Part 3, paragraphs "a" and "b" ("Exceeding Official Powers") of the Criminal Code.

As the result of the investigation, four criminal cases against seven persons were sent to the court for consideration on the merits, the two of them against four persons have been heard by the court. All of them were found guilty and sentenced. Two cases against three persons are still at court. In one criminal case against one person, the investigation was suspended due to inability of the accused to participate. In two criminal cases, the perpetrators have not been identified.

Five appeals were reviewed and dismissed due to insufficient evidence for a criminal case.

### **On paragraph 25 of the Report**

Seeking to enhance cooperation, the Investigative Directorate of the Investigative Committee of the Russian Federation for the Chechen Republic and the Ministry of Internal Affairs of the Chechen Republic issued a joint order, approving the Provisions of the inter-agency meeting on criminal cases involving unsolved grave and very grave crimes heard by the European Court of Human Rights.

As a result of the measures taken, the investigation of some criminal cases has gained momentum, in particular, the circumstances of the events were established in a quite detailed way, the data on persons who may have been involved in the crimes were collected and their involvement in the committed crimes was proved through investigation, by means of interrogations and other investigative actions, as well as in the course of operational-investigative activities.

The measures taken in the first half of 2011 radically changed the existing negative practice of not fulfilling the investigators' commissions and requests by the body in charge of preliminary investigation.

### **On paragraph 26 of the Report**

In December 2010, the European Court of Human Rights issued a ruling on the complaint of ill-treatment of the person detained and remaining in custody, in accordance with which the Investigative Department of the Investigative Committee of the Russian Federation for the Chechen Republic is investigating a criminal case (complaint No. 15733/02 Sadikov v. Russia) under Article 286, Chapter 3, paragraph "a" of the Criminal Code of the Russian Federation ("Exceeding Official Powers") over the infliction of bodily harm to A. Sadikov by officers from the Oktyabrskiy OVD of Grozny.

During the preliminary investigations, the police officers of the Department of Internal Affairs of Khanty-Mansi Autonomous District who were doing their military service in the Chechen Republic at the first department of the Oktyabrskiy OVD, namely the acting section commander of the convoy group, the acting IVS commander and the deputy commander of the specialized fire team, were identified as involved in the commission of the crime. Their involvement is confirmed by the victim's testimony, photo identification protocols and testimonies of numerous witnesses.

The investigator ordered the prosecution of the above mentioned persons accused under Article 293, Chapter 2 ("Neglect of Duty"); Article 286, Chapter 3, paragraphs "a", "v" ("Exceeding Official Powers") and Article 111, Chapter 3 ("Intentional Infliction of a Grave Injury") of the Criminal Code of the Russian Federation, and they were put on a federal wanted list.

The operational-investigative activities aimed at identifying the location of the accused are under way now.

In order to prosecute those wanted and to involve them in the investigative activities, the investigator and officials of the MoI in the Chechen Republic visited Khanty-Mansiysk and Surgut on February 17-24, 2011 where they carried out particular investigative and procedural actions. It was established that the accused had escaped from the bodies of preliminary investigation, had not been living for long where their place of residence was registered and their relatives had no information regarding their whereabouts.

The operational-investigative activities aimed at locating the suspects still continue.

### **On paragraphs 28, 36 and 38 of the Report**

Pursuant to the legislation of the Russian Federation, the detained persons alleging that they have been subjected to ill-treatment, have a legal status of a suspect or the accused and, in accordance with Article 47, Chapter 4, paragraph 5 of the Code of Criminal Procedure of the Russian Federation ("The Accused"), they have a right to enter petitions, in particular, those that relate to conducting a medical examination.

According to the provisions of Federal Law No. 73-FZ "On the State Forensic Expert Activity in the Russian Federation" dated May 31, 2001, a forensic (including forensic medical) examination is a procedural action undertaken to establish the circumstances which are to be confirmed in each particular case. The grounds to carry out a forensic examination at a state forensic expert institution include those decided by the court, orders of the judge, of the person conducting the preliminary investigation and the investigator.

The forensic examination is considered to be set since the day of the issuing of the relevant order or determination. A range of people who can be ordered to undergo forensic examination is specified by the procedural law of the Russian Federation.

Pursuant to the requirements of Article 16 of the indicated Federal Law ("the Expert's Duties"), the expert has no right to accept orders to carry out forensic examination directly from certain bodies or persons, except from the head of a state forensic expert institution, as well as to independently collect data for the forensic studies and communicate anybody, except a body or a person ordering the examination, the results of the forensic examination.

Pursuant to the provisions of Article 57 of the Code of Criminal Procedure of the Russian Federation ("the Expert"), the expert has no right to conduct talks with the participants in the criminal court proceedings on the issues, related to carrying out the forensic examination.

Furthermore, Article 179, Chapter 1 of the Code of Criminal Procedure of the Russian Federation ("Inspection") envisages that an inspection of the suspect can be carried out before the initiation of a criminal investigation in urgent cases to find traces of the crime and bodily injuries. The inspection is performed by the investigator. If necessary, the investigator may invite a doctor or another professional to take part in the inspection.

### **On paragraph 29 of the Report**

The procedure of organizing and conducting forensic medical examinations at state forensic expert institutions of the Russian Federation (hereinafter referred to as "the procedure") is established by Order of the Ministry of Health and Social Development of the Russian Federation No. 346n dated May 12, 2010.

This order contains provisions relating to the way of organizing and conducting forensic medical examinations, including forensic medical examinations of material evidence and studies of biological objects (biochemical, genetic, medical jurisprudence, spectrographic, forensic biological, forensic histological, forensic chemical, forensic cytological and chemico-toxicological examinations), forensic medical examinations and post-mortem examinations, forensic medical examinations and examinations of the aggrieved, accused and other persons at the state forensic expert institutions or expert divisions of the healthcare system which have a license to carry out medical activities in the corresponding areas of activity (services). The procedure also suggests staff regulations and standards for installing medical devices and equipment at the relevant facilities, including those that carry out genetic examinations.

The requirements established in the procedure are the same for all constituent entities of the Russian Federation.

Pursuant to Article 6 of the Basics of the Russian Federation Legislation on the Citizens' Health Protection No. 5487-1 dated July 22, 1993, providing specialized medical assistance (which comprises a forensic medical examination) falls under the competence of the public authorities of the constituent entities of the Russian Federation.

According to the information letters of the Government of the Chechen Republic No. 1173/08 dated March 17, 2011 and No. 1173dop dated May 13, 2011, the Ministry of Health of the Chechen Republic is now making a complete renovation of the building occupied by the Bureau of Forensic Medical Examination, installing all necessary equipment there and providing professional training.

The Ministry of Health of Russia supports the measures taken by the executive authorities of the Chechen Republic which are aimed at bringing the activity of the Bureau of Forensic Medical Examination into compliance with the requirements of the procedure with regard to the staff regulations and standards for installing medical devices and equipment at the relevant facilities. The Ministry also assists in training the Bureau staff which is offered at the Federal State Institution "Russian Centre of Forensic Medical Examination". The qualified professional training in forensic medical examination, including post graduate and further vocational education, lasts for about three years.



The Ministry of Health of the Russian Federation submitted a proposal to the Government of the Russian Federation with regard to rationality of the step-by-step approach to organizing the DNA testing on identification of personality under the auspices of the Bureau of Forensic Medicine of the Chechen Republic as soon as it gets the necessary equipment and the appropriate experts.

It should be noted that now there is a possibility for sending the confiscated items and materials stored on a special media for DNA testing to those health care institutions which can organize it, including the Bureau of Forensic Medicine of the Rostov Region, the Regional State Health Care Institution with the DNA laboratory, put into operation in 2010 and the Federal State Institution, the Russian Centre of Forensic Medical Expertise of the Ministry of Health of the Russian Federation.

### **On paragraph 32 of the Report**

According to the CCP of the Russian Federation, the inalienable right of a suspect obliges the investigator or the inquirer, not later than twelve hours after detention of a suspect, to notify his close relatives, and if there are no such relatives – other relations, or provide such opportunity to the suspect himself. In practice, it refers to the right of a detainee to inform his relatives, including by telephone, of his detention in order to ensure the participation of the defender.

The case when a detainee does not have a right to inform his close relatives or third parties of his location is defined in Part 4, Article 96 of the CCP of the Russian Federation (Notification on Detaining the Suspect), which envisages the possibility of keeping the fact of detention in secret in the interests of the pre-trial investigation by issuing an order on non-disclosure of the fact of detention by the investigator or the inquirer with the public prosecutor's sanction. However, in all cases of minor detention their close relatives are informed thereof. The court's judgment to take a suspect into custody is delivered within 48 hours after the detention, whereupon the relatives are informed of the imposed restraint.

At the same time, it should be noted that the appropriate notification is not always possible after the detention, as it is necessary to ascertain the location of the mentioned relatives, which takes time.

Besides, informing the third parties of the detention can result in the fact that possible accomplices to a crime will flee from prosecution.

### **On paragraph 33 and 39 of the Report**

According to Part 3, Article 49 of the CCP of the Russian Federation (“The Counsel for the Defence”), the counsel for the defence takes part in the criminal case upon:

- the initiation of a criminal case with regard to a specific person;
- the actual detention of a person suspected of committing a crime;
- serving a notice of being suspected of committing a crime;
- applying a measure of restriction to a person;
- issuing an order on indictment of person as a defendant;
- the announcement to a person, suspected of committing a crime, of a ruling on the appointment of the forensic psychiatric expert examination;
- the implementation of other procedural coercive measures or procedural actions, infringing upon the rights and freedoms of a person suspected of committing a crime (bringing to court, receipt of notice of appearance, imposition of arrest on property, confrontation with victim (witness) proving this person guilty of committing a criminal act, etc.).

The counsel for the defence can be retained by a suspect, defendant or his relatives, or the lawyer is provided by the investigator.

According to paragraph 3, Part 4, Article 46 of the CCP of the Russian Federation (“The Suspect”), a person detained on suspicion of committing a crime, should be entitled to have a private and confidential visit from the counsel for the defence before the suspect's first interrogation.

Subsequently, the defendant has the right to receive private and confidential visits of the counsel for the defence, including before the suspect's first interrogation, with no restriction in their number and duration.

The law enforcement bodies are guided by the legislation of the Russian Federation in their activity.

In Article 46 of the CCP of the Russian Federation (“The Suspect”) there is a list of grounds on which a person suspected of committing a crime acquires the rights and obligations of a suspect as a participant in the criminal proceedings (institution of criminal case against him; detention of a person; applying a measure of restriction before bringing the charge; notification of a person of suspicion of committing a crime).

If a person against whom a criminal case is opened on the discretion of the body of inquiry, inquirer or investigator was not detained in accordance with the procedure set forth in Article 91 (“Grounds for the Detention of the Suspect”) and 92 of the CCP of the Russian Federation (“Procedure for the Detention of the Suspect”) and was taken only for interrogation, his rights stipulated in Article 46 of the CCP of the Russian Federation (“The Suspect”), are explained to him before the interrogation as a suspect.

The protocol of detention should be drawn up within not later than 3 hours after a person has been detained on suspicion of committing a crime, taken to the body of inquiry or to the investigator, where a note is made that the suspect's rights have been explained to him.

These rights are indicated in the protocol of detention which is presented to a suspect. After the suspect familiarizes himself with the rights set forth therein, he puts his signature.

Besides, before the interrogation of a person as a suspect, he once again familiarizes himself with his rights, which were described above. The procedure for re-familiarization of a suspect with his rights is indicated in the form of protocol of interrogation of a person as a suspect. After a person suspected of committing a crime familiarizes himself with the rights, he puts his signature as well.

The above-mentioned provisions were also enshrined in the Federal Law on Police, according to which the police officer is obliged, in case of applying to a citizen of measures which restrict his rights and freedoms, to explain him the reason and grounds for applying such measures, as well the rights (to legal assistance, interpretation services, notification of close relatives or connected persons of his detention, refusal to give an explanation) and obligations of a citizen deriving from it.

### **On paragraph 34 of the Report**

The work of a lawyer is regulated by the laws of the Russian Federation, their rights and obligations are set out in the Law on Advocacy and the Bar of May 31, 2002.

According to Article 3 (“The Bar and the State”), the Bar is a professional community of lawyers; as a civil society institution, it is independent from both federal and local government. It operates on the principles of legality, independence, self-government, corporativity, and equality between lawyers.

Seeking to make legal aid available to the public and assist lawyers in their work, government bodies guarantee the independence of the Bar, pay the lawyers, who provide free legal assistance to citizens of the Russian Federation in cases stipulated by the laws of the Russian Federation, and, if needed, provide lawyers with premises and means of communication.

A lawyer must act honestly, reasonably and in good faith to defend the rights and legitimate interests of the principal by all means not prohibited by the laws of the Russian Federation, if a lawyer does not perform his or her professional duties or does not perform them properly, he or she is to be held accountable in accordance with the legislation of the Russian Federation (Article 7 (“Lawyer Duties”)).

### **On paragraph 35 of the Report**

In 2010, law enforcement authorities received six requests regarding the police using violence against several lawyers, including Mrs. M, criminal cases were initiated on three of them.

1. Regarding the alleged use of violence against the lawyer M, Special Cases Investigation Department of the Investigative Directorate of the Investigative Committee for the Republic of Dagestan initiated a criminal case under Article 286, Part 3, paragraph “a” of the Criminal Code (“Exceeding Official Powers”) against Mr. M.B.M and Mr. M.N.H on July 1, 2010. Preliminary investigation was completed on August 9, 2011, the case was brought before the Khasavyurt city court.

2. Following the results of the investigation of the request by the lawyer G.R.M. regarding the use of violence against her by Mr. S.R.M., Head of Criminal Police Service of the Department of Internal Affairs of Kizilyurt, that allegedly happened on August 27, 2010, Mr. M.B.A, Deputy Head of the Interdistrict Investigation Department of the Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Dagestan, had repeatedly declined to initiate a criminal case against Mr. S.R.M. due to the lack of corpus delicti, the last time he did it on July 29, 2011. Having examined the decision, prosecutors have found no violation of the law.

3. Regarding the fact that on April 9, 2010, the lawyer K.S.V. was brought to the Republican Injury Care Centre (ROTC) of Makhachkala with various injuries, the investigator of the investigative unit under the Internal Affairs Department for Soviet district of Makhachkala initiated a criminal case under Article 213, Part 2 of the Criminal Code (“Hooliganism”) and Article 111, Part 3, paragraph “a” of the Criminal Code (“Intentional Infliction of a Grave Injury”).

On May 25, 2011, the investigation of the criminal case was suspended, due to the failure to identify the perpetrators.

On June 24, 2011, the Head of the Crime Investigation Unit for Area No. 1 (the Soviet District of Makhachkala) of the Investigative Directorate of the Internal Affairs Directorate of Makhachkala overruled this decision as the investigation had been found insufficient. On July 9, 2011, the investigation was suspended again under Article 208, Part 1, paragraph 1 of the Code of Criminal Procedure (“Failure to Identify the Perpetrator”).

4. Regarding injury of the lawyer T.D.G., on July 31, 2010, the Investigative Directorate of the Investigative Committee for the Republic of Dagestan initiated a criminal case under Article 286, Part 3, paragraph “a” of the Criminal Code (“Exceeding Official Powers”) against Mr. M.K.SH, senior investigator of the investigation unit of the Police Station No. 1 of the Internal Affairs Department of Makhachkala. On July 11, 2011, the investigation was cancelled, due to the lack of corpus delicti for an offense under Article 286, Part 3, paragraph “a” of the Criminal Code (“Exceeding Official Powers”). Having examined the decision, prosecutors have found no violation of the law.

5. Following the request by the lawyer M.Z.M. regarding misconduct of the former Head of Internal Affairs Department for Kumtorkalinsk region, the Interdistrict Investigation Department of Kizilyurt initiated a criminal case under Article 330, Part 2 of the Criminal Code (“Arbitrariness”) on November 4, 2010.

Following an appeal by the accused, the district court of Kumtorkalinsk ruled that there had been no legal ground for the initiation of the criminal case. Following the appeal by the lawyer M.Z.M. and recommendation of the prosecutor, this decision was overruled by the Supreme Court of the Republic of Dagestan.

The criminal case against Mrs. M was closed in accordance with Article 24, Part 1, paragraph 1 of the Code of Criminal Procedure (“Lack of corpus delicti”).

Regarding the unlawful acts of the lawyer Mrs. M against officers of the Investigation and Operation Group of the Police Patrol Guard Service of the Internal Affairs Department of Khasavyurt, on July 26, 2011, Colonel of Justice S.A.Yu., Head of the Investigative Directorate of the Investigative Committee for the Republic of Dagestan, initiated a criminal case against Mrs. M under Article 318, Part 1 (“Use of violence that does not endanger human life or health, or the threat of violence against a government official or his relatives, due to his official duties”) and Article 319 (“Insulting a Government Official”) of the Criminal Code, the case was investigated by Lieutenant Colonel of Justice B.R.H., senior investigator of the First Investigative Department of the Investigative Directorate of the Investigative Committee for the Republic of Dagestan.

It was found that, on June 17, 2010, Mrs. M, lawyer of A. Omarov and Partners Bar association of the Bar of the Republic of Dagestan, arrived at the Internal Affairs Department of Khasavyurt to visit her client (Mrs. E.M.L), who was detained there as a suspect. After presentation of her lawyer identity card to the Checkpoint Duty Officer, Mrs. M entered the police station without permission and without getting a pass by exploiting the fact that the Checkpoint Duty Officer opened the door of the checkpoint to let out officers of the Special Company of the Police Patrol Guard Service of the Internal Affairs Department of Khasavyurt.

In accordance with the Instruction on the Admission Regime for Office Buildings and Protected Facilities of the Ministry of Internal Affairs and Internal Affairs Departments in the Republic of Dagestan (Order No. 1139 of July 13, 2007 by the Ministry of Internal Affairs of the Republic of Dagestan), Checkpoint Duty Officer was to examine the identity card presented by Mrs. M, register it in the book of visitors, check whether she had a temporary or one-time pass and, if needed, issue such a pass. That is why he ordered Mrs. M, who had no such pass, to come back and wait for a permission to enter the Department.

Ignoring the demand of the officer on duty at the checkpoint, Mrs M went to the police station building. In accordance with Article 2 of the Law of the Russian Federation No. 1026-1 "On Police" dated April 18, 1991, the officers of the special squad of the Police Patrol and Checkpoint Service at the Khasavyurt Division of Internal Affairs who were passing through the checkpoint at the moment stopped M and forced her to leave the checkpoint building demanding that she wait for the permission to enter the police station. In response to the lawful demands of the police officers, M addressed the commander of the special squad, using swear words in public, before two bystanders.

Being aware of the fact that she was applying force against the police officers on duty, realizing the social danger of her actions, foreseeing the possibility of socially dangerous consequences such as the breach of personal security and damage to the health of persons representing state authorities and wishing such consequences to follow, M used violence not dangerous for the health against two police officers, despite the demands of the latter to stop committing illegal acts.

The criminal case was taken to court on August 22, 2011.

6. The verification of the statement made by lawyer B.G.A. alleging the use of force against M by officers of the Division of the FSKN of Russia in the Republic of Dagestan was followed by an order to dismiss the criminal complaint, pursuant to Article 24, Chapter 1, paragraph 2 of the Code of Criminal Procedure of the Russian Federation ("absence of the corpus delicti in the act").

### **On paragraphs 36, 37 and 38 of the Report**

The CPT recommendations to legitimize the right for all persons deprived of liberty by law enforcement agencies to be examined by a doctor indicated in the Report were embodied in laws and other legal instruments.

The right of persons detained by law enforcement agencies held in custody and in places of confinement to access health care is guaranteed by Article 29 of the Basics of the Russian Federation Legislation on the Citizens' Health Protection No. 5487-1 dated July 22, 1993.

Article 30 of the Basics entitles a patient to choose a doctor and medical and preventive treatment facility.

Moreover, the rights of a suspect or the accused held in custody during the preliminary investigation, including the right to access health care, are regulated by Federal Law No. 103-FZ "On Detention of Suspects and the Accused of Committing Crimes" dated July 15, 1995 and the Internal Regulations for the Facilities of Temporary Detention of Suspects and the Accused under the Competence of Internal Affairs Bodies which were established by order No. 950 of the Department of Internal Affairs of Russia dated November 22, 2005.

Pursuant to the above indicated acts, during the first 24 hours, the suspects and accused arriving at the temporary detention facility or pre-trial establishment and persons released from the temporary detention facility or handed over to escort officers for the prison transfer should undergo medical examination at the medical office held in order to determine their health condition and find bodily injuries, and all the findings of such examinations are entered into medical records.

If there is no medical staff available at the time when the newcomers are arriving at the temporary detention facility, the officer on duty questions them on their health condition. If the newly arrived detainees complain of feeling sick or the duty officer detects any symptoms of a disease (injury), he is to call a facility medical professional or the ambulance. The results of the questioning, the subsequent health complaints and the medical aid rendered to those who needed one are registered in the medical examination record for persons staying at temporary detention facilities.

In case of worsening of the health condition or bodily harm caused to suspects or the accused, the medical inspection is conducted immediately by a facility medical professional and if there is none, it is carried out in due course by the staff of medical and preventive treatment facilities pertaining to the state or municipal health care system. The results of the medical inspection are registered in due course and are communicated to the suspect or the accused. At the request of suspects or the accused or their defence lawyers, they get copies of the medical inspection certificate.

At the decision of the head of the facility, a person or body investigating the criminal case or at the petition of a suspect or the accused or his defence lawyer, the inspection is carried out by the staff of other medical facilities. The refusal to conduct such an inspection can be appealed to the attorney or to a court.

The infliction of bodily harm to the suspect or accused is verified and, in the cases and manner specified by the Code of Criminal Procedure, the decision is made whether to institute or to refuse to institute criminal proceedings, which depends on the verification results.

Thus, the IVS medical staff documents the examination findings, but its members are not in charge of determining the nature and extent of the damage which results from the detainees' bodily injuries. The forensic medical examination which establishes the nature and extent of damage to health is conducted at state forensic expert institutions by government experts possessing a license to carry out medical practice in the relevant areas of activity.

Furthermore, the Government of the Russian Federation adopted order No. 3 "On Medical Inspection of Suspects and the Accused of Committing Crimes" in order to ensure the right to health protection for persons in custody.

With a view to maintain the principle of independence, the medical inspection of suspects and the accused held in custody is conducted by medical boards at state and municipal health care facilities under the conditions which guarantee the rights and safeguard the legitimate interests of the person undergoing medical inspection.

Adopting the list of serious diseases which allow to substitute confinement with a milder measure of restraint for a suspect or the accused of committing the crime has changed the practice of keeping in custody those persons whose recovery is impossible in prison and helps to prevent grave consequences for the health of suspects and the accused.

#### **On paragraph 40 of the Report**

In order to rationalize record-keeping of detained persons in IVS and OVD, the MoI of Russia issued an Order No. 408 of May 26, 2011 on Approving the Procedure for Developing and Maintaining Records of Detained Persons, thereby improving the quality of maintenance of the mentioned documents.

The FSKN Directorate for the Republic of Dagestan keeps a register of persons taken to premises of the local FSKN of Russia and detained for administrative offences. The form of such document is set forth in Annex 1 to the Instruction on organizing of daily duty in the local FSKN of Russia approved by the Order No. 354/dsp. of October 29, 2007.



### **On paragraph 41 of the Report**

Subsequent to the results of the inspection, the IVS heads of Khasavyurt and Makhachkala have been subject to disciplinary action (received a serious reprimand). The MoI for the Republic of Dagestan issued a Directive No. 20/103 of June 17, 2001 on Measures to Prevent Federal Law Violations.

Besides, in order to remedy the deficiencies, mentioned in the CPT report, the MoI for the Republic of Dagestan prepared a Directive No. 26794 of August 23, 2011. The electronic version of the report was sent to the MoI unit for the Republic of Dagestan and to the Department of Internal Affairs for the regions of the Republic for discussion at the operational meetings.

### **On paragraphs 42 and 43 of the Report**

1. Republic of North Ossetia-Alania. In order to remedy the deficiencies, in August 2011, repairs were made, which ensured the private (partitioned) toilets. It is planned to build an exercise yard upon receipt of necessary funds.

According to the departmental special-purpose programme of the MoI of Russia for 2011-2014, in 2013, it is planned to construct a new building of the IVS of the Prigorodny District Division of Internal Affairs of Russia (with a capacity limit of 30 places), corresponding to the norms and requirements of the Russian legislation and international standards.

This year the planning and surveying work has been accomplished and the allocated funds in the amount of 3099 thousand roubles have been used.

2. The Chechen Republic. The management of the MoI for the Chechen Republic is currently considering the recommendation of the CPT on closing the IVS of the Zavodskoy District Division of Internal Affairs in Grozny, as it is not possible to remedy the deficiencies due to its location on the unsuitable premises. Besides, the proposal of the MoI of Russia on the priority construction of the seven new standardized IVS buildings in 2012 has been prepared. At the present time there are preparations in the Chechen Republic for placing in operation the IVS of the Shatoysky District Division of Internal Affairs with 20 places to ensure functioning of the Itum-Kalinsky, Sharoysky, Shatoysky District Divisions of Internal Affairs. Construction of the two new standard temporary detention facilities in Kurchaloevsky and Nadterechny Districts is about to be finished and building of the IVS facility in the Achkhoy-Martanovsky District has already been initiated.

CPT's allegation on the insufficient natural light in the cells of the IVS of Police Division No.5 in Grozny (the Leninsky District) has been taken into consideration. Natural light has been adjusted to sanitary norms through the size reduction of metal plates on the windows.

**On paragraph 44 of the Report**

Operation of the IVS of the MoI for the Republic of North Ossetia-Alania has not been initiated due to malfunction of the exterior video monitoring system, as well as sensors ensuring perimeter and internal security of the guarded facility. These malfunctions could not be fixed due to problems in activities financing.

At the present time, the mentioned malfunctions are being repaired.

**On paragraph 45 of the Report**

All cells of the temporary detention facility of Line Division in Makhachkala are currently being taken out of use and their complete refurbishment is under way. Persons detained on suspicion of having committed a crime, are taken to the temporary detention facility to the Makhachkala Regional Office of the MoI.

**On paragraph 46 of the Report**

Holding cell at the police station of intermunicipal Kizilyurt Internal Affairs Division in the Republic of Dagestan has been withdrawn from service during its complete refurbishment. Detainees are held in a facility, meeting all specified requirements.

The directive on the full implementation of the current legislation requirements, including the ones concerning equipment of sufficient number of holding cells at the police stations, has been circulated to the MoI for the Republics, Main Directorate of the MoI and Directorate of the MoI for other constituent entities of the Russian Federation.

The government of the Russian Federation adopted Regulation No. 301 of April 16, 2012 on Approving the Provision on Conditions of Confinement, Food Standards and Procedure for Health Care of Detainees in the territorial bodies of the Ministry of Internal Affairs of the Russian Federation.

Implementation of this project will significantly improve the confinement conditions of the mentioned category of persons in the special-purpose institutions of the territorial bodies of the MoI of Russia with regard to meals, bedding (mattress, pillow, blanket) and bed linen (2 bed sheets, pillowcase) at night time (during sleep).

### **On paragraph 47 of the Report**

At the FSKN Directorate for the Republic of Dagestan, a construction of special premises is underway designated for investigative actions, including identification, under the conditions, precluding the visual observation of the identifying person by the identified one, pursuant to Article 193, Part 8 of the CCP of the Russian Federation ("Presenting for an Identification").

The mentioned premises are equipped to provide the appropriate conditions for investigative actions, and also to implement measures aimed at preventing escapes and suicides by persons delivered for investigative actions, attacks on drug enforcement agencies officials, and cannot be used for detention of persons arrested for administrative offences, established by Article 27.5 of the Code of Administrative Offences of the Russian Federation.

Besides, according to the results of verification of legality conducted by the Prosecutor's Office of the Republic of Dagestan, with regard to deliveries and detentions made by the officials of the FSKN Directorate for the Republic of Dagestan, there were no reported cases of violations of legislation of the Russian Federation.

### **On paragraph 50 of the Report**

At the time of refurbishment, SIZO No.1 of Makhachkala with a capacity of 410 people, actually accommodated 377 people and the norm of 4 m<sup>2</sup> of sanitary area per prisoner was not met.

At the present time, suspects, accused and sentenced persons have a right to outdoor exercise for at least one hour (exercises for juveniles do not last less than 2 hours). Exercise yards are equipped with grounds for physical exercises. Tennis tables, horizontal bars and basketball hoops are installed over there. Sport equipment is distributed during the exercise (balls, tennis rackets, etc.).

Thus, suspects, accused and sentences persons can do physical exercises outdoors during one hour.

Exercise yards in Block B of SIZO No.1 in Makhachkala are situated on the roof of the detention block according to the requirement of the project documentation, which underwent the appropriate examination.

According to the legislation of the Russian Federation, exercise yards are situated on the detention blocks premises at the ground-floor level or on the roof of the detention block. Such location of the exercise yards is due to the fact that most detention facilities are situated within the city and surrounded by highways and different buildings that complicate their expansion.

After careful consideration of the issue of moving the exercise yards of SIZO No.1 in Makhachkala, no opportunity was found for their transfer from the 4<sup>th</sup> to the ground floor, as the institution is situated in the centre of the city and there is no area for equipment of exercise yards on the ground floor.

Work is now underway to update the design standards of detention facilities of the penal system, according to which the exercise yards will be normally placed at ground-floor level.

Besides, the design standards of detention facilities of the penal system will be updated with regard to the extension of partitions, separating the toilet from the inhabited cells, up to the ceiling.

Such work is routinely carried out in the institutions of the penal system at the same time.

### **On paragraph 51 of the Report**

Part of what remained of the original detention block for detainees of SIZO No.1 in Makhachkala was not used as a “quarantine” unit for new arrivals during the year.

The conditions of detention in cells which are noted in the report meet the established norms. All cells have sanitary facilities and correctly operating of water supply, natural light and fresh air are adequate with no humidity.

However, during the visit of the CPT and before the suspects and accused were not held the above-mentioned cells, since they were undergoing the pre-scheduled renovation.

During renovation of the old building of SIZO-1 of Makhachkala, cells for quarantine section were temporarily equipped on the ground floor of the first building constructed by that time. After the construction of the second building has been completed by the end of 2011, a new quarantine section was opened there.

Cells Nos. 2, 4, 6 and 8 of the old special regime building have undergone minor renovation. The above-mentioned cells have not been used since the CPT delegation visit and did not house inmates.

### **On paragraph 52 of the Report**

During the CPT’s visit to SIZO №1 in Grozny, it was accommodating 238 inmates with a capacity of 443 (under the Ministry of Justice’s directive No. 134 of December 22, 2011 “On creating and elimination of SIZO”). Therefore, the capacity limit was not exceeded.

The regulations concerning the design of living space and creation of partitions are being reconsidered. The living area of Grozny SIZO is undergoing refurbishment: the sanitary facilities are being separated from the living area.

The exercise yard is situated on the roof of SIZO No. 1 of Grozny in compliance with the design documentation. Taking into account that SIZO No. 1 is situated within city limits and surrounded by automobile roads, which impedes expansion of the SIZO, it is impossible to relocate the exercise yards to the ground floor.

This was pointed out to the delegates during their visit. Nonetheless, 10 additional exercise yards have been built on the fourth floor of the block.

In the future all the requirements of European standards concerning the location of exercise yards will be observed during design stage and construction of new SIZOs.

#### **On paragraph 54 of the Report**

In order to improve the access to natural light in Block 1 of SIZO No. 1 in Vladikavkaz the window opening have been widened, which was not specified in the design documentation.

Routine repairs in the cells are carried out on a regular basis, all cells are provided with necessary equipment and heating system. Block 1 underwent repairs in February – March, 2011. Post 4 and 5, as well as the admission unit (“quarantine”) underwent routine repairs in 2011.

The delegation noted that the sanitary standard of 4 m<sup>2</sup> per person is not respected in a number of cells, but this defect was eliminated by the SIZO management in the presence of the CPT delegates: the inmates have been transferred to other cells and their bunks were removed from their former cells. At present, the sanitary standard of 4 m<sup>2</sup> per person is observed.

There is a special area for the inmates working in the utility unit on the second floor of Block 1. The premises are in good condition and include a bedroom, leisure area, storage, prayer area and sanitary facilities. They account for 78.3 m<sup>2</sup>, can host 20 inmates, so there is 3.9 m<sup>2</sup> per person, which complies with the penitentiary legislature of the Russian federation.

The delegates noted the existence of metal shutters in cells 97 and 99. The mentioned shutters were removed in the presence of the delegates. At the moment the cells are equipped with windows providing for adequate access to natural light and fresh air.

### **On paragraph 55 of the Report**

In accordance with the CPT's recommendation the management of SIZO No.1 of Vladikavkaz has carried out the reconstruction of the "kartzet" block: two solitary cells of 7.35 m<sup>2</sup> have been reequipped with two windows each, which allows the access to fresh air and natural light. The premises of the old disciplinary cells have been transformed into utility rooms where clothing is now stored.

### **On paragraph 56 of the Report**

A federal special-purpose programme "Development of the penitentiary system (2007-2016) provides for reconstruction of SIZO No. 1 of Vladikavkaz: blocks, utility networks, utility areas, boiler room, security engineering facilities will undergo refurbishment.

The reconstruction has been duly planned, undergone project appraisal. The works are to start in 2013.

### **On paragraph 57 of the Report**

In accordance with provision 5 of the Federal law of July 15, 1995 No. 103-FZ "On keeping in custody of suspects and the accused" suspects and accused are kept in SIZO No. 6 only under court rulings.

At present, all cells in SIZO No. 6 of Vladikavkaz have access to fresh air and are well lit.

In order to prevent suspects and the accused from breaking the regulations of custody, committing crimes or minor offences and in accordance with Provision 34 of Federal law of July 15, 1995 No. 103-FZ "On keeping in custody of suspects and the accused", CCTV systems were installed instead of acoustic monitoring.

Moreover, the management of SIZO informs all newly-arrived suspects, accused and convicts about the usage of the CCTV as a means of supervision. A signed acknowledgement of rules is filed.

Supervision over the inmates' behaviour is also carried out by the staff through small windows (peepholes) on the doors. In a number of cells of SIZO No. 6 such peepholes do not account for a full view of the cell, therefore additional windows were installed.

In accordance with the standard documentation, apart from the peepholes, the doors of the cells are equipped with windows giving towards the corridor and are used for catering, providing medication, receiving and responding to oral and written appeals, summoning to interrogation, visits etc.

The supervision of the inmates is carried out in accordance with the legislation of the Russian Federation and international norms, and therefore the overall environment cannot be described as oppressive.

### **On paragraph 58 of the Report**

The special room for discipline violators has been eliminated.

### **On paragraph 59 of the Report**

An arrest of a person, keeping in custody are only allowed under a court ruling. The conditions of custody must provide for the attainment of goals, stipulated in the penitentiary legislature, such as protecting classified information of the preliminary enquiry, creating suitable conditions for solving past crimes, avoiding the possibility of dodging agencies of preliminary interrogation and inquiry.

Being kept in custody all suspects and accused are guaranteed with all rights and liberties of a Russian citizen with exceptions stipulated in penal, penitentiary or other legislature of the Russian Federation. No other exceptions are allowed; therefore all conditions are created in the SIZO allowing the unrestricted realization of rights and legal interests.

It is nonetheless to be noted that suspects and accused spend a lot of their time outside the cells. They participate in sittings of the courts, and therefore are transported to courts or interim custody SIZO.

In order to provide for the realization of constitutional rights, the inmates have the possibility to receive visits from their attorneys In accordance with the Provision 18 of the Federal law of July 15, 1995 No. 103-FZ “On keeping in custody of suspects and the accused” the number of visits with the attorneys is not limited; the visits are private and organized in specifically equipped rooms.

Moreover, the inmates have the right to short visits from relatives or any other persons, provided they possess the permission of the person or a body in charge of the suspect’s case. The visits are organized in specifically equipped premises outside the SIZO blocks.

In accordance with Provision 17 of the Federal law of July 15, 1995 No. 103-FZ “On keeping in custody of suspects and the accused”, the suspects and accused have the right to effectuate strolls and exercises in the open air.

During the strolls the inmates are provided with sport inventory. Therefore all suspects, accused and convicts are able to do exercises in the open air.

Suspects and accused kept in custody in SIZO are able to perform religious rites in specially equipped areas.

Moreover, all inmates are taken out of their cells for taking showers and sanitary processing of clothing and linen.

If the circumstances so allow, all suspects and accused are provided with the right to labour. Workshops are created in some SIZOs to this purpose.

In order to facilitate the psychological adaptation, inmates are provided with psychological help. In order to undergo medical examination or to receive medical consultations inmates are taken to the medical unit of the establishment.

The head of the SIZO or his or her deputies carry out personal reception of the suspects and accused on the daily basis, except for holidays. Personal reception is carried out working offices or specifically equipped rooms of the SIZO.

Issues concerning the contacts with the outer world are now clearly regulated in the Federal law of July 15, 1995 No. 103-FZ “On keeping in custody of suspects and the accused”, as well as in the Rules and Regulations in SIZOs.

Thus, suspects and the accused are allowed to receive and send letters and telegrams without any restrictions. The correspondence with the court, prosecutor’s office, superior bodies of the penitentiary systems, the ombudsman of the Russian Federation, the Ombudsman’s representative in the region, the Public Supervision Committee, the European Court of Human rights is not censored.

Suspects and the accused can be granted by the person or a body in charge of his or her case no more than two visits with relatives or other persons, each of which cannot last more than three hours, in a specially equipped room.

In the organization of the visits the importance of maintaining and strengthening of family or any other socially beneficial ties is taken into account. Furthermore, suspects and the accused can be granted the right to telephone calls up to 15 minutes each, provided the person or the body in charge of the case cedes the permission.



Suspects and the accused have the right to use literature and periodicals. Libraries are created in the places of detention to this purpose. Inmates can receive books, magazines and newspapers. One newspaper is distributed for 10 people in SIZOs. Apart from that suspects and the accused are allowed to purchase literature, magazines and newspaper through the SIZO management or through Russian Post. Subscription to periodicals is carried out through the SIZO management with the means of the person

Freedom of conscience and religion are guaranteed to all inmates. They have the right to profess any religion or not to profess any religion, to freely choose, possess and disseminate religious beliefs and to act in accordance with them. The right to freedom of conscience and freedom of religion is voluntary; it does not have to break the internal regulations of the place of detention, as well as the rights of other persons. At the request of suspects and accused clergy belonging to a duly registered religious group are invited. In custody convicts are allowed to perform religious rites, to use religious objects and religious literature. To that end, the administration allocates the appropriate space.

All cells are equipped with radio, and in case there is the technical ability to install them, cells can be equipped with TV sets. In addition, media have access to the SIZO, the administration of the establishments doesn't try to impede the communication with broadcasting companies, provided all legal requirements are observed.

At present the Development Concept of the penitentiary system till 2020 provides for the introduction of new forms of realization of contacts of suspects and the accused with the outer world: persons in custody will be provided with the technical capabilities of a wide range of telecommunication services, including video conferencing tools, e-mail and etc.

### **On paragraph 62 of the Report**

In accordance with the CPT's recommendation SIZO No. 1 of Makhachkala additionally introduced medical registers of prisoners after returning from investigations conducted by law enforcement agencies. All medical registers (register of medical examinations of prisoners after returning from investigations conducted by law enforcement agencies, the register of medical examinations upon arrival at the establishment of a register of injuries and upon arrival), are conducted properly.

In addition, on August 15, 2011 during the operational meeting of representatives of Federal Penitentiary Service of Russia in the Republic of Dagestan and the Ministry of Internal Affairs of Dagestan it was recommended to ensure that healthcare workers carried out thorough examination of the detained and arrested in order to ascertain corporal harm and to report to law enforcement agencies of the Republic of Dagestan of each such fact.

### **On paragraph 63 of the Report**

Initial medical examination is carried out by the doctor on duty (feldsher) of the SIZO in order to identify patients requiring isolation and (or) rendering first aid. Inspection results on therapeutic and diagnostic measures are introduced to the patient medical card.

However, at the request of the suspect or the accused or his defendant a medical examination may be conducted by other medical institutions.

In case of exposure of corporal damage with suspects or the accused suggesting that health damage was caused as a result of ill-treatment, besides writing about this in the medical card, a corresponding certificate is signed by the duty aide and chief of the guard that brought the suspect or accused. After testing, initiated and approved by the Head of the institution, if there is evidence of a crime, the evidentiary materials are sent to the prosecutor for a decision in accordance with the Penitentiary Code.

Any information concerning the indication of the crime is recorded in special registers. Prosecutor's office staff monitors the timeliness and accuracy of the information introduced to the book.

Thus the inspection in SIZO No. 1 in Vladikavkaz found that all the reports of healthcare workers are endorsed by the head of the institution or his deputy. All the findings of official inspections concerning the exposure of corporal damage are approved by the head of the establishment.

Furthermore, it was established that in 2010 in SIZO No. 1 in Vladikavkaz there were 66 with injuries of different origins, in 2011 - 38. All newly-arrived suspects and the accused were examined by medical personnel that introduced the data on injuries in the medical record.

According to the accounting and registration documentation of the detention facility, all such materials were sent to the investigating authorities to conduct a procedural check.