

Russia: Wave of violence against civic activists must be stopped

Russia, 12 March 2018

We, members of the OSCE-wide NGO coalition Civic Solidarity Platform (CSP), express our deepest concern over the reported¹ wave of torture, ill-treatment, and enforced disappearance of activists of the anti-fascist movement in Russia committed by Russian Federal Security Service in recent months. We demand an immediate cessation of illegal treatment of detainees, a thorough and objective investigation of reported torture cases, and bringing those responsible to justice. We call intergovernmental organizations to pay close attention to this situation and enter into an immediate dialogue with the Russian authorities to solve this problem.

From October 2017 to January 2018, eight activists of the anti-fascist movement were arrested by the Federal Security Service (FSB) of Russia on suspicion of involvement in a terrorist community in different regions of the country. Soon after their detention, a majority of them confessed and faced charges; however, it later became known that confessions were obtained by the FSB under torture.

The detention of suspects was accompanied by beatings, torture, and prolonged isolation from relatives and lawyers, in some cases lasting several days. Obviously, the purpose of the FSB investigators was to get confessions in the first hours and days after the detention. Use of torture in St. Petersburg is documented by personal testimonies of detainees and by examination of detainees by members of the Public Observation Commission (POC). In addition, medical evidence was collected to confirm the existence of traces of torture. There is less information on the procedure of detention and violence against the accused in Penza. Relatives and friends of the accused were not able to attract attention of human rights organizations at the time of detention because of the almost complete absence of the latter in the region. At present, the Public Observation Commission of Penza has no representatives of independent civic organizations, who would've registered and given publicity to torture practices in the pre-trial detention center. FSB officers repeatedly demanded that the detained and their relatives were not to contact journalists nor human rights defenders, and not to provide information to the media, threatening to continue torturing the detainees if they did. Nevertheless, in February 2018, two defendants from Penza disclosed information about the torture committed against them. This resulted in the resumption of the torture and threats by the FSB investigators, followed by the activists withdrawing their testimonies, which is being video recorded.

Torture and ill-treatment against detainees with the aim to obtain confessions as well as an instrument to suppress their will and to punish for active actions in their defense, is a widespread practice in Russia, unfortunately. Every year, human rights organizations receive information about hundreds of cases of torture and ill-treatment from different regions, in most of the cases violence is committed either by penitentiary staff or by police. In the case against anti-fascists, we see two new very worrying trends. Foremost, the Russian Criminal Code articles on combating terrorism are used against civil activists. Secondly, the use of torture during the investigation stage committed by FSB officers by itself is a very disturbing situation that causes additional fears of impunity. As of today, human rights defenders are not aware of any case where the special services officers were brought to justice for use of torture, ill-treatment, or for enforced disappearance.

In this case, people are detained for very vague accusations of creating a terrorist community; torture them in order to get confessions that they allegedly have been involved in preparation of

¹ "Just get it, FSB officers always achieve their goals!". Antifascist Victor Filinkov talks about the first 24 hours after his arrest. Media Zone, February 21, 2018, <https://zona.media/article/2018/02/21/filin>. Conclusion of the POC working group on appeals of torture in the Federal Security Service of the Russian Federation for St. Petersburg and Leningrad, the site of the Public Observation Commission for St. Petersburg, February 4, 2018, <http://onkspb.ru/posts/32-zaklyuchenie-rabochei-gruppy-onk-po-obraschenijam-o-pytkah-v-ufsb-rf-po-spb-i-lo.html>. "I felt a pulse on my neck and controlled my condition." Arrested in Penza antifascists told about torture by electric shock in the cellar of the pre-trial detention center. Media Zone, February 9, 2018, <https://zona.media/article/2018/02/09/penza-tortures>.

terrorist acts on the eve of the presidential elections and the World Cup; relatives are threatened to keep silent. These new phenomena for Russia cause even greater concern amid the ongoing repression in Turkey, where human rights defenders and journalists are systematically persecuted and receive absurd accusations precisely on the pretext of combating terrorism. Similar practices exist in a number of Central Asian states.

Considering aforesaid, we call the Russian authorities to:

- immediately stop torture and ill-treatment of detainees in Penza, Saint-Petersburg and in all Russian pre-trial detention facilities;
- stop the practice of intimidating relatives and friends of the accused;
- initiate an immediate, thorough, objective, and independent investigation of the reported tortures and degrading treatment of the detainees, and bring perpetrators to justice;
- issue invitations to the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other UN relative thematic procedures, to the CoE Committee for the Prevention of Torture, and to representatives of the OSCE ODIHR, to visit Russia and to ensure their unhindered access to detainees and prisoners in full compliance with the mandates of these institutions.

We call on the Russian media and Russian citizens to:

- openly express absolute intolerance to torture and humiliation of human dignity used by the representatives of special services and other law enforcement agencies;
- keep in focus and not weaken public attention to the investigation of already known cases of torture by representatives of special services and law enforcement agencies;
- not encourage, with indifference and inattention to this topic, total impunity and complete loose hands attitude of special services in torturing people.

We call the international community to:

- publicly condemn the actions of the representatives of Russian special services involved in torture;
- demand from the Russian authorities a thorough, impartial, and independent investigation of torture with further bringing to justice all those accountable;
- closely monitor the situation in order to prevent the development of this disturbing practice of using the fight against terrorism to suppress independent voices in Russia, and to immediately respond to new cases of violation of fundamental rights and freedoms and the persecution of civil activists.

We call on the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to:

- consider as a priority, under urgent appeals procedure, reports of torture of anti-fascist activists accused of terrorism and, as a result, send a letter to the Russian Foreign Ministry demanding that the state ensures the physical and mental safety of the accused;
- request an invitation from the Russian Federation to visit the country within the framework of its mandate

We call on the Council of Europe Committee for the Prevention of Torture to:

- carefully examine reports of torture against anti-fascist movement activists, assess them and consider conducting an extraordinary visit to Russia to investigate the case, and visit the defendants in the pre-trial detention facilities to develop a report.

We call the UN member-states to:

- draw attention to this case, address relevant questions to the Russian Federation delegation when reviewing the human rights situation in Russia under the Universal Periodic Report procedure in May 2018.

We call the OSCE member-states to:

- closely monitor the development of this case, demand from Russia to stop the practice of torture and other human rights violations against the accused, bringing to justice all those responsible for human rights violations.

We call the Director of the OSCE Office for Democratic Institutions and Human Rights to:

- consider establishing a monitoring group, within the procedure of monitoring trial processes, to observe these trials and include ODIHR's torture program representative in the monitoring group.

We call the OSCE Chairmanship and OSCE General Secretary to:

- Provide political support and facilitate the dialogue on the establishment of a monitoring group to observe these trials.

Moscow Helsinki Group (Russia)

Public Verdict Foundation (Russia)

Center for the Development of Democracy and Human Rights (Russia)

Freedom files (Poland/Russia)

Sova Center for Information and Analysis (Russia)

Human Rights Group "Citizen. Army. Law" (Russia)

International Youth Human Rights Movement (Russia)

Women of Don (Russia)

Helsinki Citizens' Assembly-Vanadzor (Armenia)

Regional Center for Strategic Studies (Azerbaijan/Georgia)

International Partnership for Human Rights (Belgium)

Barys Zvozkau Belarusian Human Rights House (Lithuania)

Association UMDPL (Ukraine)

Club Diversity (Austria)

Austrian Helsinki Association (Austria)

Solidarus (Germany)

Public Association "Dignity" (Kazakhstan)

Truth Hounds (Ukraine)

Macedonian Helsinki Committee (Macedonia)

Helsinki Committee of Armenia (Armenia)

DRA - German-Russian Exchange (Germany)

CILD - Italian Coalition for Civil Liberties (Italy)

Kazakhstan International Bureau for Human Rights and the Rule of Law (Kazakhstan)

The World Organisation Against Torture (Switzerland)

Helsinki Foundation for Human Rights (Poland)

Helsinki Association Armenia (Armenia)

The Kosova Rehabilitation Centre for Torture Victims (Kosova)

Bir Duino (Kyrgyzstan)

Center for Participation and Development (Georgia)

Crude Accountability (USA)

Human Rights Monitoring Institute (Lithuania)

Legal policy research center (Kazakhstan)

Center for Civil Liberties (Ukraine)

Bulgarian Helsinki Committee (Bulgaria)

Human Rights Center of Azerbaijan (Azerbaijan)

Vesna Human Rights Center (Belarus)

Netherlands Helsinki Committee (Netherlands)

Helsinki Committee for Human Rights in Serbia (Serbia)

Protection of rights without borders (Armenia)

ZARA - Civil Courage and Anti Racism Work (Austria)

Hungarian Helsinki Committee (Hungary)

Promo LEX (Moldova)

Citizens' Watch (Russia)

Office of civil freedoms (Tajikistan)

Centre de la protection internationale (France)

Human Rights House Foundation (Norway/Switzerland)

Legal Transformation Center (Belarus)

Additional information:

In October-November 2017, officers of the Federal Security Service in the Penza region arrested six young people (from 20 to 27 years). Arman Sagynbaev, Dmitry Pchelintsev, Ilya Shakursky, Yegor Zorin, Vasily Kuksov and Andrei Chernov were placed in the pretrial detention center in Penza. In January 2018, Ilya Kapustin, Viktor Filinkov and Igor Shishkin were detained in St. Petersburg. According to the investigation, all the detainees were members of the terrorist group "Network," which allegedly was engaged in preparing the overthrow of the authorities. Young people are charged under art. 205.4 of the Criminal Code of the Russian Federation ("Organization of a terrorist community and participation in it"). There were no public actions on behalf of the "Network." It is known that the accused took interest in strikeball, training for survival in extreme conditions, trekking, and role-playing games. Some of the defendants are activists of anti-fascist, environmental and anarchist movements, others were not included in the public activity, but were familiar with these activists. Information on the participation of the accused in violent actions against citizens or state institutions does not exist. Most of the detainees gave confessions, and all of them were charged with participation in the terrorist community (Part 2, Article 205.4 of the Criminal Code). It was later found out that the testimony was obtained under torture.

1. Viktor Filinkov was tortured after his detention at Pulkovo airport on January 23, 2018 and after medical examination in hospital No. 26 in St. Petersburg. Victor Filinkov was placed in a minivan in handcuffs and a cap, stretched over his face, after which the FSB officers inflicted a significant number of blows to him in the chest, back, nape, and used electric shock. Electric shocks were applied to the leg, neck, groin, nape, parietal area of the head, and also to the handcuffs. The presence of bruises, abrasions and traces of the electric shock on Filinkov's body was recorded by members of the Public Observation Commission of St. Petersburg. Filinkov's torture was accompanied by threats of even more painful torture (electric shock to the genitals), psychological pressure on Filinkov, and threats of using violence against his wife. On January 27, 2018 Viktor Filinkov filed an application for a crime against the actions of the FSB in the Military Prosecutor's Office. In early February 2018 it was answered that this message had been forwarded to the FSB for consideration. The results are currently unknown.
2. FSB officers kidnapped Igor Shishkin on January 25, 2018 while he was walking his dog. The location of Shishkin remained unknown for two days. Despite the fact that Shishkin refused to write a statement about application of torture to him, it is obvious that he was subjected to them. Unknown people broke the bottom wall of the orbit of Shishkin's eyes in the period of January 25-27, 2018, which was diagnosed by medical officers of pre-trial detention ward No. 3 in St. Petersburg. On January 27, 2018 in pre-trial detention ward No. 3 Shishkin was visited by the members of the St. Petersburg POC, which recorded numerous injuries, identified as traces of torture (bruises, wounds, burns from an electric shocker). Medical assistance was being given to Igor Shishkin only after the lawyer of the "Public Verdict" appealed to the ECHR.
3. Ilya Kapustin was detained on January 25, 2018 in St. Petersburg on his way home. Five FSB officers drove Kapustin to the ground, dragged him into the mini van, handcuffed him, tightening it with such force that Kapustin's brushes were cut. Within 4 hours Kapustin was asked about his membership in political organizations, visits to Penza, and political activities of his acquaintances while he was constantly struck with electric shocks in the groin and in the abdomen. Traces of electric shocks on the body of Ilya Kapustin are recorded by an act of forensic medical examination dated 29.01.2018 and photographs submitted by a lawyer. On February 13, 2018 Kapustin filed an allegation of torture with the Investigative Committee. The results of the verification are not known at this time.
4. Dmitry Pchelintsev was detained in Penza on October 27, 2017. The detention was accompanied by a beating. On October 28, 2017 Pchelintsev was subjected to electric shocks in the cell of the Penza pre-trial detention ward to obtain confessions. On October 29, he broke the tank from the toilet and cut his hands on the folds and neck with shrapnel, after which the detention facility employees were forced to call a doctor and provide medical

assistance. Torture after that ceased for a while, but FSB officers constantly visited Pchelintsev, threatened violence against him and his wife, who lives in Penza. Dmitry Pchelintsev refused to admit guilt and talked about his torture during a poll made by lawyer Oleg Zaitsev on February 6, 2018. But after attracting the attention of the media to torture in relation to Pchelintsev and the publication of the announcement of a press conference in Moscow with the participation of Zaitsev's lawyer, the tortures resumed, and Pchelintsev renounced his statements.

5. Ilya Shakursky was detained in Penza on October 19, 2017 and taken to the FSB for interrogation. During this interrogation, staff struck at the back of his head and also pronounced numerous threats - from rape to life for organization of the terrorist community. Later interrogations continued in the pre-trial detention ward, and during one of them Shakursky was subjected to electric shocks. During this interrogation, Shakursky was threatened with continued violence if he had new lawyers or human rights activists. Shakursky reported on torture during a lawyer's poll conducted by lawyer Anatoly Vakhterov on 12.02.2018. However, after 16.02.2018 the beatings of Shakursky by FSB officers in Penza's pretrial detention facility resumed, the defendant confirmed earlier evidence about his guilt and refused to file an application for torture.
6. Vasiliy Kuksov was also detained in Penza on October 19, 2017. The violence applied to him is known from Ilya Shakursky's lawyer's questioning and Elena Kuksova's wife's messages. According to Shakursky, he saw Kuksov with a bloodied face during interrogations of FSB officers. Kuksova's wife Elena saw him when the detainee was brought home for a search: his clothes were torn and dirty in blood, and his forehead and nose were broken.
7. Yegor Zorin was detained in Penza on October 17 or 18, 2017, for more than a day his friends and relatives did not know about his whereabouts. Zorin was placed under arrest in Penza's pretrial detention facility, but in December 2017 was transferred to house arrest.
8. Arman Sagynbaev and Andrei Chernov were detained in early November 2017 in St. Petersburg and Moscow, respectively. According to lawyers, Sagynbaev and Chernov admit guilt and give testimony to other members of the alleged terrorist community. There is every reason to believe that these statements were also given under torture. Arman Sagynbaev, who is in pre-trial detention facilities of Penza, wrote a statement refusing any "outside" contacts, including with human rights activists and members of the Public Observation Commission. According to Dmitry Pchelintsev, during transportation to investigative actions, he was in a car with Sagynbaev, and in the course of their conversation Sagynbaev told Pchelintsev about the use of torture against him.