



CPT/Inf (2003) 30

**Report to the Russian Government  
on the visit to the Russian Federation  
carried out by the European Committee  
for the Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment (CPT)**

**from 2 to 17 December 2001**

The Government of the Russian Federation has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2003) 31.

Strasbourg, 30 June 2003

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Copy of the letter transmitting the CPT's report

Strasbourg, 31 July 2002

Dear Ambassador,

In pursuance of Article 10, paragraph 1, of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment, I enclose herewith the report to the Russian Government drawn up by the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) after its visit to the Russian Federation from 2 to 17 December 2001. The report was adopted by the CPT at its 48<sup>th</sup> meeting, held from 2 to 5 July 2002.

I would draw your attention in particular to paragraph 184 of the report, in which the CPT requests the Russian authorities to provide **within six months** a response setting out the action taken upon its visit report. The CPT would be grateful if it were possible, in the event of the response forwarded being in Russian, for it to be accompanied by an English or French translation. It would also be most helpful if the Russian authorities could provide a copy of the response in a computer-readable form.

I am at your entire disposal if you have any questions concerning either the CPT's visit report or the future procedure.

Yours faithfully,

Silvia CASALE  
President of the European Committee for  
the prevention of torture and inhuman  
or degrading treatment or punishment

**Mr Alexandre K. ORLOV**  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative of the Russian Federation  
to the Council of Europe  
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## I. INTRODUCTION

### A. Dates of the visit and composition of the delegation

1. In accordance with Article 7 of the European Convention for the prevention of torture and inhuman or degrading treatment or punishment (hereinafter referred to as "the Convention"), a delegation of the CPT visited the Russian Federation from 2 to 17 December 2001. The visit was organised within the framework of the CPT's programme of periodic visits for 2001. It was the Committee's third visit of a periodic character to the Russian Federation.

2. The visit was carried out by the following members of the CPT:

- John OLDEN, Head of the delegation
- Aurel KISTRUGA
- Andres LEHTMETS
- Veronica PIMENOFF
- Jagoda POLONCOVÁ
- Jean-Pierre RESTELLINI.

They were assisted by:

- Michail FARAFONOV (interpreter)
- Igor FEKLISOV (interpreter)
- Boris KOVALTCHOUK (interpreter)
- Elena MITRIAEVA (interpreter)

and accompanied by the following members of the CPT's Secretariat:

- Petya NESTOROVA
- Borys WÓDZ
- Michael KELLETT.

**B. Establishments visited**

3. The delegation visited the following places of detention:

*Internal Affairs establishments*

Moscow City

- Aeroport temporary holding facility (IVS), South Administrative District
- Filevskiy Park temporary holding facility (IVS), Western Administrative District
- Khamovniki temporary holding facility (IVS), Central Administrative District
- Lefortovo Division of Internal Affairs, South-East Administrative District
- Sokolniki Division of Internal Affairs, East Administrative District
- Reception and distribution centre No 1 of the Main Directorate of Internal Affairs, (“Severnyi”)
- Reception and distribution centre No 2 of the Main Directorate of Internal Affairs, Novoslobodskaya Street

Khabarovsk Territory

- Temporary holding facility (IVS) at the Khabarovsk Directorate of Internal Affairs
- Main Directorate of the Ministry of Internal Affairs for the Far East Federal District, Khabarovsk
- Industrialnyi District Command of Internal Affairs, Khabarovsk
- Tsentralnyi District Command of Internal Affairs, Khabarovsk
- Zheleznodorozhnyi District Command of Internal Affairs, Khabarovsk
- 1<sup>st</sup> Militia Division of the Tsentralnyi District Command of Internal Affairs, Khabarovsk
- 4<sup>th</sup> Militia Division of the Zheleznodorozhnyi District Command of Internal Affairs, Khabarovsk
- Temporary holding facility (IVS) at the Komsomolsk-na-Amure Directorate of Internal Affairs
- 3<sup>rd</sup> Militia Division, Zavodskaya Street, Komsomolsk-na-Amure
- 5<sup>th</sup> Militia Division, Oktyabrskaya Street, Komsomolsk-na-Amure

Primorskyi Territory

- Temporary holding facility (IVS) at the Vladivostok Directorate of Internal Affairs
- Frunzenskyi District Command of Internal Affairs, Vladivostok
- Leninskyi District Command of Internal Affairs, Vladivostok
- Pervomayskyi District Command of Internal Affairs, Vladivostok
- Sovetskyi District Command of Internal Affairs, Vladivostok
- 1<sup>st</sup> Militia Division of the Leninskyi District Command of Internal Affairs, Vladivostok

*Penitentiary establishments*

Khabarovsk Territory

- Colony No 8 in the village of Start, Komsomolsk-na-Amure Region
- Colony No 12 for women in the village of Zaozernyi, Khabarovsk Region

Primorskyi Territory

- SIZO No 1 in Vladivostok
- Medical-correctional establishment (LIU) No 23 for drug addicts in Ussuryisk

*Psychiatric establishments*

Primorskyi Territory

- Vladivostok City Psychiatric Hospital

*Military establishments*

Khabarovsk Territory

- Garrison "Gauptvachta", Khabarovsk
- Garrison "Gauptvachta", Komsomolsk-na-Amure

*Federal Border Service establishments*

Primorskyi Territory

- Federal Border Service Headquarters in the village of Pogranichnyi.

**C. Consultations held by the delegation and co-operation encountered**

4. At the outset of the visit, the CPT's delegation held consultations with senior officials of the Ministries of Foreign Affairs, Health, Internal Affairs and Justice. Fruitful talks were also held with the Commissioner on Human Rights, Mr Oleg MIRONOV. Further, the delegation welcomed the opportunity to meet representatives of the regional authorities in the Khabarovsk and Primorskyi Territories. It also held discussions with representatives of the Moscow office of the UNHCR and non-governmental organisations active in the CPT's areas of interest.

A list of the federal and regional authorities and organisations consulted during the visit is set out in Appendix II to this report.

5. The co-operation extended to the CPT's delegation by the Ministry of Justice's Main Department for the Execution of Punishments (GUIN) and its divisions in the two territories visited was of a very high standard. All documents and information necessary for the delegation's work were provided on time. The delegation would like to put on record the efficient assistance received from Mr Boris V. LAZUTKIN, Director of Khabarovsk Territory UIN, and Mr Alexander V. SIROTYUK, Deputy Director of Primorskyi Territory GUIN. Further, the delegation received a very satisfactory reception from the management and staff in the penitentiary establishments visited.

Nevertheless, a serious incident occurred on the second day of the visit to Colony No 12 for women in the village of Zaozernyi (Khabarovsk Region). A medical member of the delegation, who had interviewed a group of HIV positive prisoners, learned that a sound recording device had been hidden in a drawer prior to the interview by an operational staff member. The staff member concerned was summoned and admitted that the interview had been recorded on the instruction of her superior. The delegation immediately requested a meeting with the Director of the Territorial UIN, which was also attended by a representative of the Prosecutor's Office and the colony's management. The delegation received the apologies of the Territorial UIN and was assured that no instructions had been given by the colony's management to record the interview, and that immediate measures would be taken to prevent such violations of the confidentiality of the delegation's interviews with inmates from occurring again. Following this reassurance, the delegation decided to proceed with the visit to the colony.

Further, by letter of 21 March 2002, the Russian authorities informed the CPT that an internal inquiry had been carried out at Colony No 12 in Zaozernyi which “bore out violations of the requirements provided for in international human rights treaties and the Federal Law on Operational Search Actions”. As a result, disciplinary sanctions had been imposed on three of the Colony’s operational staff members.

**The CPT welcomes the steps taken by the Russian authorities and trusts that no further violations of the confidentiality of its delegations’ interviews will be encountered during future visits.**

6. The delegation was pleased with the level of co-operation received from the Ministry of Health, the Health Care Committee in Primorskyi Territory, as well as the management and staff of Vladivostok City Psychiatric Hospital, who were familiar with previous CPT reports concerning visits to psychiatric establishments in Russia.

The co-operation received from representatives of the Prosecutor’s Office – Mr V. BERNATOVICH, Head of the Department for Supervision of the Execution of Sentences in Primorskyi Territory, and Mr V. LONCHAKOV, Supervising Prosecutor in Khabarovsk Territory, who were present during the visits to penitentiary establishments and provided answers to many of the delegation’s questions - was also very satisfactory.

7. However, the co-operation extended by the Ministry of Internal Affairs was lacking in a number of respects. At the outset of the visit, at a meeting with representatives of that Ministry, the delegation requested that it be provided with a full and up-to-date list of Internal Affairs establishments in Moscow (the list made available being incomplete). The delegation also asked for confirmation, within 24 hours, of two points which had been raised at that meeting: that Internal Affairs staff would be informed that CPT visits can take place at any time, including after 10 p.m., and that RUBOP establishments can also be visited by the delegation. No response to these requests was provided by the Ministry of Internal Affairs. It should also be noted that the credentials issued to the delegation by that Ministry had omitted the names of one of the CPT’s members and one of the delegation’s interpreters.

By contrast, the delegation received a satisfactory reception at the level of Khabarovsk and Primorskyi Territorial Departments of Internal Affairs, which provided it with lists of Internal Affairs establishments. Further, in Khabarovsk Territory steps had been taken to disseminate information about the CPT’s mandate to all the establishments likely to be concerned. As a result, there were no significant delays in gaining access to the Internal Affairs establishments visited in Khabarovsk and Komsomolsk-na-Amure. However, this was not always the case in Vladivostok, where the delegation was made to wait on a number of occasions while on-duty staff expected a green light from their superiors to allow the visit. Moreover, the reception often left something to be desired; by way of example, in the evening of 8 December 2001, a sub-group of the delegation was treated in a very impolite manner by an aggressive Militia officer at the entrance to the building housing the public security Militia of the Sovetskyi District in Vladivostok.

8. Although the delegation did not have the opportunity to meet representatives of the Ministry of Defence at the beginning of the visit, it received very good co-operation from the Command of the Far East Military District in Khabarovsk. However, it became apparent in the course of the visit that the list of military detention facilities provided was far from complete: in addition to the three garrison “gauptvachtas” listed, there are apparently a number of other garrison “gauptvachtas”, as well as “gauptvachtas” in smaller military units.

As regards the Federal Border Service, whom the delegation had asked to meet at the beginning of the visit, the co-operation can hardly be described as satisfactory. Nobody from that Service was available to meet the delegation, no credentials were issued to it, and the list of Border Guard detention facilities provided by the Service appeared to be incorrect. When the delegation visited the Border Guard establishment in the village of Pogranichnyi (Primorskyi Territory) included in the list, it found that there were no detention facilities there. The failure to provide the exact addresses and phone numbers of the Border Guard establishments concerned prevented the delegation from carrying out visits to more such establishments.

**9. The CPT trusts that in the future the Russian authorities will take steps to act fully in conformity with the principle of co-operation, which forms the basis of the Convention establishing the CPT. This implies inter alia the provision of full and up-to-date lists of all places where persons may be deprived of their liberty, ensuring that visiting delegations are supplied on time with credentials which spell out the CPT’s mandate and powers, and disseminating relevant information to all the authorities and staff concerned.**

**D. Immediate observations under Article 8, paragraph 5, of the Convention**

10. At the end of its visit, the CPT’s delegation had a final meeting with representatives of the Russian federal authorities in Moscow, in order to acquaint them with the main facts found during the visit. On this occasion, the delegation made immediate observations, in pursuance of Article 8, paragraph 5, of the Convention, on three particularly urgent matters.

11. The first immediate observation concerned the situation of foreign nationals held at the Reception and Distribution Centre No 1 of the Main Directorate of Internal Affairs in Moscow (“Severnyi”). Some of them had spent periods as long as ten months in overcrowded cells, deprived of outdoor exercise and any form of activity, without any information on their situation and prospects for release. Possibilities for contact with the outside world were also limited. The delegation requested the Russian authorities to take immediate measures to remedy this situation, in particular by enabling foreign nationals detained at the centre to take outdoor exercise for at least one hour per day.

12. The second immediate observation related to the quarantine unit at SIZO No 1 in Vladivostok, where the cells were extremely cold (the visit took place in December), dark and dirty, and prisoners held overnight were not provided with mattresses or blankets. The delegation called upon the Russian authorities to take steps rapidly to improve conditions of detention in the quarantine unit.

13. The third immediate observation was made in respect of the disciplinary units (SHIZO and PKT) at Colony No 8 in the village of Start (Komsomolsk-na-Amure Region) and LIU No 23 in Ussuryisk. At the first establishment, two of the disciplinary cells (Nos 18 and 19) were cold, damp, and measured less than 4 m<sup>2</sup>. At the second establishment, several of the disciplinary cells were very narrow (less than 1 m). Further, two of the so-called “exercise yards” attached to the disciplinary unit of LIU No 23 were in fact cages measuring some 3 m<sup>2</sup>; such facilities are totally inappropriate for outdoor exercise. Similar facilities were observed at Colony No 8 in the village of Start. The delegation requested the Russian authorities to withdraw from service the above-mentioned cells and to replace the cage-like exercise yards with outdoor facilities which enable prisoners to physically exert themselves.

14. The above-mentioned immediate observations were subsequently confirmed in a letter of 20 December 2001 from the President of the CPT. The Committee requested the Russian authorities to submit, within three months, a report on the action taken in response to those observations.

The delegation also asked to receive information, within 3 months, on the measures taken by the Russian authorities to improve patients’ access to proper toilet facilities at the Vladivostok City Psychiatric Hospital. At the time of the visit, the majority of patients were obliged to use buckets in full view of other patients.

By letter of 21 March 2002, the Russian authorities informed the CPT of the measures taken in response to the delegation’s immediate observations as well as in respect of other remarks contained in the end-of-visit statement. The Committee is grateful for the response provided by the Russian authorities, and will consider the information contained in it later in the report.

## II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

### A. Establishments under the authority of the Ministry of Internal Affairs

#### 1. Torture and other forms of ill-treatment

15. During the 2001 periodic visit to the Russian Federation, the CPT's delegation received a disturbing number of allegations of physical ill-treatment by members of the Militia. As on previous visits, the allegations concerned in the main operational Militia staff in charge of gathering evidence and involved violence aimed at the extraction of confessions from criminal suspects. A number of allegations were also received of the disproportionate use of force at the time of arrest.

Only a limited number of allegations were received of ill-treatment by investigating officers. However, it was claimed on many occasions that investigating officers were fully aware of the ill-treatment inflicted by operational staff and acquiesced in it. Identical allegations were made in the three regions of the Russian Federation visited by the delegation, according to which operational Militia staff physically ill-treat detainees during the initial questioning (the so-called "collection of explanations") until they indicate that they will confess. The suspects are then taken to an investigator who enquires if they are ready to confess. If the suspects state that they are not willing to confess, they are returned to the custody of operational staff for further "softening up".

16. The forms of ill-treatment alleged concerned punches, slaps, kicks and blows with a truncheon, baseball bat or other hard objects, sometimes whilst being handcuffed to a radiator or suspended, whipping with wet towels and beating with plastic bottles filled with water. A few allegations were also received of asphyxiation using a gas mask or plastic bag and the infliction of electric shocks. The ill-treatment alleged was on occasion of such severity that it could be considered as amounting to torture.

17. Specific mention should be made of Leninskoe District Command of Internal Affairs in Vladivostok, in respect of which the delegation received a great number of allegations of ill-treatment, involving combinations of the above-mentioned methods, during interrogation of suspects. The allegations were made by persons interviewed separately by the delegation at SIZO No 1 in Vladivostok. In several cases, medical members of the delegation observed physical marks or conditions consistent with those allegations. Similarly, medical evidence was found in the register of traumatic lesions observed at the time of admission to the Vladivostok SIZO.

**The CPT recommends that the Russian authorities carry out an independent inquiry into the methods used by Militia staff at Leninskoe District Command of Internal Affairs in Vladivostok when questioning detained persons. The Committee would like to receive a report on the inquiry's findings and the steps subsequently taken.**

18. The delegation also received allegations of physical ill-treatment and psychological threats made against juvenile detainees in order to obtain confessions. Several juvenile detainees in Khabarovsk alleged that during interviews, pencils were placed between their fingers and their hands were then squeezed, causing pain. It was also alleged by a 15-year old boy met at the IVS in Khabarovsk that members of the Militia had threatened to photograph him naked with implements inserted into his anus and then to show the photographs to his friends in the city if he did not confess. Threats of this nature could be considered to amount to psychological torture, which is especially serious when directed against someone of such a vulnerable age.

19. Acts of the kind described in paragraphs 15 to 18 are completely unacceptable. They contravene not only the European Convention on Human Rights and the European Code of Police Ethics but also the laws of the Russian Federation. The CPT acknowledges the commitment made by the Russian authorities, contained in their interim response to the 1998 visit report (CPT (2000) 50), that the Ministry of Internal Affairs was “taking the necessary steps to detect and eliminate harsh treatment”, a statement repeated in their response to the 1999 visit report (CPT 2001) 47); however, it is clear from the information gathered during the December 2001 visit that much work remains to be done. **The CPT therefore repeats the recommendations made in previous reports (cf. paragraph 152 of the report on the 1998 visit and paragraph 22 of the report on the 2000 visit).<sup>1</sup> The Committee calls upon the Russian authorities to make it clear to Internal Affairs staff, and in particular to operational Militia staff in charge of gathering evidence, that the ill-treatment of persons in custody is illegal and will be dealt with severely in the form of criminal prosecution and disciplinary action.**

20. On a more positive note, as was the case during previous visits, scarcely any allegations were heard of ill-treatment by custodial staff working in IVS establishments. The few allegations received referred to persons having been gratuitously punched and kicked whilst in their cells or in the detention areas of local Militia stations by staff who were drunk.

Further, the delegation received no allegations of physical ill-treatment by staff working in reception and distribution centres.

However, the delegation was concerned to observe the practice of requiring detainees in Internal Affairs establishments, when out of their cells, to walk along the corridor with their heads bowed and hands behind their backs. When not actually in motion, they were required to stand facing the wall. It was even more concerned to note that such comportment was required equally from juvenile detainees as young as 14 years as it was from adults. **The CPT recommends that the Russian authorities issue instructions for this practice to cease.**

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<sup>1</sup> In paragraph 152 of the report on the 1998 visit, the CPT recommended that: i) a very high priority be given to professional training for members of the Militia of all ranks and categories; experts not belonging to the Militia should be involved in this training; ii) an aptitude for interpersonal communication be a major factor in the process of recruiting members of the Militia and that, during the training of such staff, considerable emphasis be placed on acquiring and developing interpersonal communication skills.

In paragraph 22 of the report on the 2000 visit, the CPT recommended that Militia staff be reminded, through a formal statement from the highest political level, that they should be respectful of the rights of persons in their custody.

21. Different measures required to combat torture and ill-treatment by law enforcement officials have been set out in the previous CPT visit reports to the Russian authorities. In the reports on the visits in 1998 and 2000 for example, the Committee recommended the adoption of a code of conduct for interrogations (paragraph 174 of document CPT (99) 26 and paragraph 25 of document CPT (2001) 2). Unfortunately, the response of the authorities to these recommendations has been less than positive. In their interim response to the report on the 1998 visit, they declared that the introduction of such a code would be “pointless”. However, the findings during the December 2001 periodic visit, combined with the prominent role that confession evidence plays in Russian criminal proceedings, clearly indicate that the Russian authorities’ position on this issue is not sustainable.

22. That the Russian authorities and legislature do in fact recognise interrogations as a problematic area from the human rights point of view is illustrated by the recently adopted new Code of Criminal Procedure (CCP), which will come into force on 1 July 2002. Section 75 of the CCP stipulates that evidence gathered in breach of the criminal procedure, as well as confessions made without the presence of a lawyer and not confirmed by the suspect in court, are inadmissible. The CPT welcomes these provisions.

However, whilst the change to the rules of admissibility of confessions is to be applauded, there must be some doubt as to the impact it is likely to make on the consciousness of the Militia. During the course of the visit in December 2001, the delegation spoke to many members of the Militia of all ranks (from junior investigators to major-generals) about their thoughts on the shift in practice and culture that was likely to result from the above-mentioned change. The response was consistent and unwavering: the new provisions were unlikely to generate any significant effects. The Committee considers this attitude to be a cause for concern. **The CPT recommends that the Russian authorities take effective steps to inform and educate Militia staff of all ranks and functions, but especially investigators and operative staff, on the implications of the new rules.**

23. The CPT also wishes to stress that the questioning of criminal suspects is a specialist task which calls for specific training if it is to be performed in a satisfactory manner. First and foremost, the precise aim of such questioning must be made crystal clear to those concerned: that aim should be to obtain accurate and reliable information in order to discover the truth about matters under investigation; it should not be to obtain a confession from someone already presumed, in the eyes of the interviewing officers, to be guilty or even to extract a “confession” from someone regardless of whether the person concerned is guilty or not.

When confession is the primary tool for detecting crime, there is an inherent risk that law enforcement officials under pressure to obtain results will resort to unethical and illegitimate practices, including ill-treatment and even torture. Not only is this a breach of universally acknowledged human rights principles but it carries a substantial risk of injustice by increasing the possibility of the wrong person being convicted and of the guilty going free. **The CPT therefore once again calls upon the Russian authorities to introduce a code of conduct for the questioning of criminal suspects, backed up by a training programme for all investigators and operational staff which deals with interview techniques and the gathering of evidence in a professional and ethical manner.**

24. The CPT is also concerned by the psychologically intimidating character of many of the interview rooms seen by the delegation in the course of the visit. These invariably consisted of a table and two chairs fixed to the floor, one for the investigator and one for the suspect. The suspect's chair usually did not have a back rest, was always lower than the investigator's chair and was some distance from the table separating them with the result that a suspect was unable to rest his arms or lean against the table and would find it difficult to refer to papers easily. Such an arrangement of furniture clearly has only one purpose: to place suspects in an uncomfortable and psychologically subservient position, thereby intimidating them.

Particular reference should be made to one of the interview rooms seen at the IVS in Komsomolsk-na-Amure. In addition to the table and two chairs described in the previous paragraph, there was a cage in the room. The officer in charge informed the delegation that this was for use during interviews of dangerous suspects or suspects who were represented by a lawyer; if a suspect was considered "dangerous", or when a lawyer was present and there were insufficient chairs, the suspect was placed in the cage. Such an arrangement, whether for "dangerous" suspects or suspects with legal representation, is degrading and hence unacceptable. **The CPT recommends that the Russian authorities issue instructions that this practice is to be discontinued forthwith, and that cages such as the one seen in Komsomolsk-na-Amure be removed from Militia establishments.**

## **2. Conditions of detention**

### **a. administrative detention cells**

25. Similar to the situation observed during previous visits, none of the district commands (RUVD) and local divisions of Internal Affairs visited were equipped with facilities suitable for overnight stays; despite that, the delegation found evidence that persons were occasionally held overnight at such establishments, i.e. considerably longer than the period of 3 hours envisaged in the Administrative Offences Code. The cells seen by the delegation were totally unacceptable for extended periods of custody: dark, poorly ventilated, dirty and usually devoid of any equipment except a bench. Persons held overnight were not provided with mattresses or blankets. Further, there was no provision for supplying detainees with food and drinking water, and access to a toilet was problematic.

**The CPT reiterates the recommendation made in its report on the 1999 visit (cf. paragraph 27 of document CPT (2000) 7) that material conditions in, and the use of, cells for administrative detention at district commands and local divisions of Internal Affairs be brought into conformity with Ministry of Internal Affairs Order 170/1993 on the general conditions and regulations of detention in administrative detention cells. Cells which do not correspond to the requirements of that Order should be withdrawn from service.**

**Further, the Committee reiterates the recommendation made in previous visit reports that administrative detention cells not be used for accommodating detainees for longer than 3 hours.**

b. temporary holding facilities for criminal suspects (IVS)

26. According to the 1996 Regulations establishing the internal rules of Internal Affairs temporary holding facilities for suspects and accused persons, the living space per person should be 4 m<sup>2</sup>. It is also provided in these regulations that detained persons should be supplied with mattresses and bedding, soap, toilet paper, newspapers, games, food, etc. Further, the regulations make provision for outdoor exercise of at least one hour per day.

The actual conditions of detention in the IVS establishments visited in 2001 varied considerably.

27. The best conditions were observed at the IVS in Komsomolsk-na-Amure, where the cells were clean, in a good state of repair, and enjoyed access to natural light. Detained persons were provided with mattresses, blankets, towels, soap and toilet paper. There were also arrangements for outdoor exercise.

Conditions in the "Aeroport" IVS in Moscow were also good. The four cells (each measuring some 8 m<sup>2</sup>) were clean and warm, and inmates had mattresses, blankets and sheets which were in a good condition. "Khamovniki" IVS in Moscow was under reconstruction at the time of the visit, which involved an overhaul of the ventilation and heating systems. There were five basement cells, measuring some 10 m<sup>2</sup>, with a total capacity of 14. The establishment also had a small exercise yard (12 m<sup>2</sup>).

At the "Filevskiy Park" IVS in Moscow, mattresses and blankets were also available; however, the cells were poorly lit and ventilated, dilapidated and dirty, and no provision was made for outdoor exercise.

The IVS of Khabarovsk Directorate of Internal Affairs comprised fifteen cells of varying sizes. The living space per detainee was adequate (e.g. cells measuring 6 m<sup>2</sup> were accommodating one detainee, cells measuring 21 m<sup>2</sup> held 4 detainees). The cells were fitted with toilets. However, the premises (in particular the toilets) were not always clean and ventilation in most of the cells left much to be desired. Moreover, detainees were not provided with mattresses and blankets. Further, although the IVS had an outdoor exercise area, the latter was not being used, apparently because of refurbishment.

Material conditions in the IVS at Vladivostok Directorate of Internal Affairs were deficient in many respects. Occupancy rates at the time of the visit were acceptable (eleven cells measuring some 10 m<sup>2</sup>, each holding 1-2 persons). However, the cells were dimly lit and poorly ventilated. In addition, once again, detainees were not provided with mattresses and blankets. Further, there was no possibility for detainees to have outdoor exercise. It should also be noted that the cells were not equipped with an in-cell toilet, and the delegation heard complaints about difficulties of access to a toilet outside the cell.

As regards food, the situation varied from one establishment to the other. By way of example, at the IVS in Komsomolsk-na-Amure, food was distributed three times a day, at the IVS in Khabarovsk and the "Aeroport" IVS in Moscow, twice a day, and at the IVS at Vladivostok Directorate of Internal Affairs, only once a day.

28. **The CPT recommends that the Russian authorities take steps to ensure that the IVS facilities visited by its delegation in Khabarovsk, Moscow and Vladivostok are brought into compliance with the above-mentioned Regulations on IVS facilities. More particularly, the Committee recommends that:**

- **persons detained at the IVS facilities of Khabarovsk and Vladivostok Directorates of Internal Affairs be provided with clean mattresses and blankets;**
- **steps be taken to improve in-cell lighting, ventilation and the state of hygiene and repair of the cells at the IVS facilities of “Filevskiy Park” in Moscow and Khabarovsk and Vladivostok Directorates of Internal Affairs;**
- **requests from persons detained at the IVS facility at Vladivostok Directorate of Internal Affairs to be allowed to leave their cells for the purpose of using a toilet be accepted without delay;**
- **persons detained be offered food, which is sufficient in quality and quantity, at normal meal times, and drinking water be available at all times;**
- **persons detained at the IVS facilities of “Filevskiy Park” in Moscow and Khabarovsk and Vladivostok Directorates of Internal Affairs be offered outdoor exercise for at least one hour per day.**

**The CPT also reiterates the request made in the report on the 2000 visit, to be provided with more details on the Federal Programme for the construction and refurbishment of IVS facilities during the period 2000 - 2004.**

29. **Further, the CPT invites the Russian authorities to explore the possibility of introducing differentiated day/night lighting systems in IVS cells.** At the moment, the electric lighting (which is sometimes quite bright) in IVS cells is kept on twenty-four hours a day.

c. reception and distribution centres

30. The Reception and Distribution Centre No 2 in Moscow was used for the detention of women without a permanent residence or relevant identification documents for up to 10 days, pursuant to Presidential Decree of 4 November 1993 “On Combating Vagrancy”. It also held female foreign nationals awaiting deportation or repatriation; in this second case, the detention was ordered by a court and could last months. With a capacity of 101 places, on the day of the delegation’s visit the centre was accommodating 83 women (one of whom was a foreign national).

The premises had been recently refurbished, and were clean and orderly. There were eleven dormitories (measuring some 16 - 18 m<sup>2</sup>), each designed to accommodate up to 10 detainees; such an occupancy rate is excessively high, although it should be added that the actual levels at the time of the visit were lower. Access to natural light, ventilation and artificial lighting were adequate. The dormitories were fitted with bunk beds and lockers. Inmates were provided with mattresses, blankets, clean bedding, and, in case of need, with clothing and shoes. They also received a small piece of soap, which constituted the only personal hygiene item supplied by the centre.

The sanitary facilities were clean and in a good state of repair, and detainees could have a shower upon arrival. However, access to the toilet was problematic: detainees were allowed to go to the toilet only twice a day, in the morning and the evening; for the rest of the time, they had to use buckets placed in their cells.

The delegation was shown a narrow area between the centre's building and the perimeter fence which was said to be used for outdoor exercise. However, none of the inmates interviewed by the delegation could remember ever having been offered outdoor exercise. Further, detainees were not offered any means of recreation (such as TV, radio or books), and were not allowed any visits.

Food was brought in from the nearby SIZO and distributed in the centre's kitchen. No complaints were heard about the food provided.

31. To sum up, the delegation gained a generally positive impression of conditions of detention at the time of the visit to the Reception and Distribution Centre No 2 in Moscow. Nevertheless, **the CPT recommends that steps be taken to:**

- **lower the official capacity of the dormitories; the objective should be to allow at least 4 m<sup>2</sup> of living space per detainee;**
- **ensure that requests from detained persons to be allowed to leave their cells during the day for the purpose of using a toilet are met without delay; the practice of using buckets in the cells should be discontinued;**
- **enable detainees to have, in addition to a shower on arrival, at least one shower per week during their period of detention;**
- **provide detained persons with a wider range of personal hygiene items, in addition to soap (e.g. toilet paper, toothpaste, sanitary materials for women's monthly needs);**
- **ensure that detained persons are offered outdoor exercise for at least one hour per day;**
- **offer some activities to detainees (e.g. books, radio, etc.) and ensure that they can maintain adequate contact with the outside world.**

32. By contrast, the CPT is very concerned about the situation of foreign nationals held at the Reception and Distribution Centre No 1 (“Severnyi”) in Moscow. At the time of the visit, 68 male foreign nationals were accommodated on the second floor of the centre. Some of them had spent periods as long as 10 months in overcrowded cells (e.g. 18 persons in a cell measuring 33 m<sup>2</sup>; 24 persons in a cell of 48 m<sup>2</sup>), deprived of outdoor exercise and any form of activity, and without any information on their situation and prospects for release. Possibilities for contact with the outside world were also limited: foreign nationals were allowed at best one telephone call to their respective embassy in Moscow.

At the end of the visit, the delegation invoked Article 8, paragraph 5, of the Convention, and requested the Russian authorities to take immediate measures to remedy the situation, in particular by enabling foreign nationals detained at the centre to take outdoor exercise for at least one hour per day. In their letter of 21 March 2002, the Russian authorities state that detainees at the “Severnyi” Centre are allowed daily outdoor exercise. Further, it is indicated that measures have been taken to inform the foreign nationals (“against their signature”) of the court rulings on their detention and its extension, as well as of the date of their expected release. The Russian authorities also inform the CPT of the ongoing refurbishment of the centre, scheduled to be completed by mid-2002.

The CPT welcomes these measures **and wishes to be informed of the date of completion of the refurbishment work referred to above.**

33. Further, **the CPT recommends that measures be taken without delay in order to:**

- **offer to the foreign nationals detained at the Reception and Distribution Centre No 1 (“Severnyi”) in Moscow a regime of activities worthy of the name, including access to a day room and to radio/television and newspapers/magazines, as well as other appropriate means of recreation (e.g. board games, table tennis). The longer the period for which persons are detained, the more developed should be the activities which are offered to them;**
- **review the possibilities for foreign nationals to maintain contact with the outside world, and in particular improve their access to a telephone.**

**The CPT would also like to receive confirmation that all foreign nationals are offered the possibility of taking at least one hour of outdoor exercise every day, and that information on their situation and prospects for release is provided to them in a language they understand.**

More generally, **the CPT wishes to stress once again that in those cases where it is deemed necessary to deprive persons of their liberty for a prolonged period under Aliens legislation, they should be accommodated in centres specifically designed for that purpose, offering material conditions and a regime appropriate to their legal situation and staffed by suitably-qualified personnel** (cf. also paragraph 38 of the report on the 1999 visit, CPT (2000) 7).

### 3. Safeguards against the ill-treatment of persons deprived of their liberty

34. In previous visit reports, the CPT examined in detail the formal safeguards against ill-treatment which are offered to persons deprived of their liberty by the law enforcement agencies in the Russian Federation and their operation in practice. The Committee has placed particular emphasis on three rights, namely the rights of detained persons to inform a close relative or another third party of their situation, to have access to a lawyer, and to have access to a doctor. As the CPT has stressed repeatedly, these are fundamental rights which should be enjoyed by all categories of persons from the very outset of their deprivation of their liberty (that is, from the moment when the persons concerned are obliged to remain with the law enforcement agency). It is equally fundamental that persons detained by law enforcement agencies be informed without delay of all their rights, including those mentioned above, in a language they understand.

35. A series of recommendations designed to strengthen the above-mentioned safeguards have been made by the CPT in the past. However, the information gathered by the delegation during the December 2001 visit suggests that the situation has remained unchanged by comparison with the previous visits. It was clear from the delegation's interviews that notification of custody had in many cases been delayed substantially (e.g. several days), including in respect of juveniles detained by the Militia. Further, it was once again apparent that detained persons could benefit from the right of access to a lawyer only when formally questioned by an investigating officer (any previous "talks" with operational Militia staff being conducted without the presence of a lawyer).

It was also clear that in the majority of cases, suspects were expressly informed of their rights only at the beginning of the first interrogation by an investigator, a process which usually takes place several hours after apprehension.

36. As already indicated, a new Code of Criminal Procedure of the Russian Federation was signed into law on 18 December 2001 and will come into effect on 1 July 2002. The new Code will introduce important and very welcome changes in areas falling under the CPT's mandate.

Under the new CCP, the power to remand in custody will be vested in the competent court rather than, as at present, a prosecutor. A person may not be detained longer than 48 hours prior to the court decision (section 10). Further, pursuant to section 108 (4), the detained person should be physically brought before the judge deciding on the application of the preventive measure of remand in custody. The judge's decision may be appealed at a higher instance court within 3 days. The judge may also prolong the period of detention by up to 72 hours if additional evidence substantiating the necessity to remand in custody is required.

37. Pursuant to section 96 of the new CCP, the notification of deprivation of liberty should be performed by the inquiry officer, investigator or prosecutor not later than 12 hours after the moment of detention. If the detainee is a foreign national, the respective embassy or consular section should be notified within the above-mentioned time period. If, in the interests of the preliminary investigation, the fact of detention must be kept secret, it is exceptionally possible to suspend notification of custody with the prosecutor's approval; however, no exceptions are allowed in the case of juveniles.

These new provisions are obviously a significant step in the right direction as compared with the current situation. However, the CPT remains firmly of the view that a detained person's right to inform a relative or a third party of his choice of his situation should apply from the very outset of his deprivation of liberty by the Militia. **The Committee would like to receive clarification as to why it was considered necessary to include the above-mentioned leeway of 12 hours in section 96 of the new CCP.**

As regards the power exceptionally to delay notifying the fact of detention, the CPT considers that the precise circumstances in which this power may be exercised should be more clearly defined; the current wording ("in the interests of the preliminary investigation") is too vague. Further, the exercise of this power should be made subject to appropriate safeguards (e.g. any delay to be recorded in writing with the reasons therefor and to require the approval of a senior officer unconnected with the case at hand or of a prosecutor) and be applied for as short a time as possible. **The CPT recommends that the Russian authorities introduce provisions to the above effect.**

38. In respect of access to a lawyer, the legal situation will change after the entry into force of the new CCP. Section 46 (4) provides that suspects have the right of access to a lawyer from the moment of their *de facto* detention. This right includes the rights to have one or more lawyers of one's own choice and to have a private and confidential meeting with the lawyer prior to the first interrogation. These changes are very welcome, as is the provision that confessions made without the presence of a lawyer are inadmissible (cf. paragraph 22).

39. If the right of access to a lawyer is to be fully effective in practice, appropriate provision should be made for persons detained by the Militia who are not a position to pay for a lawyer. They should be guaranteed access to a truly independent lawyer who is capable of providing professional and impartial advice.

In the course of the 2001 visit, many persons met by the delegation expressed a lack of trust in the services provided by *ex officio* lawyers. The delegation heard various accounts which bring into question the independence and impartiality of such lawyers. For example, a person interviewed at the Vladivostok SIZO claimed that the first time he saw his lawyer was when he was taken to see the investigator; the lawyer and the investigator sat together in the latter's office, and the lawyer merely asked the detained person whether he was willing to confess. The lawyer subsequently persuaded his client not to complain about the ill-treatment which had allegedly been inflicted upon him by operative Militia staff.

**The CPT recommends that the Russian authorities take steps to ensure that *ex officio* lawyers are impartial and independent of the Militia and the prosecuting authorities.**

40. With regard to access to a doctor, as pointed out in the report on the 1998 visit, the 1995 Federal Law on keeping in custody persons suspected or accused of committing crimes (sections 19 and 24) contains a number of provisions on health care for detained persons. The impression gained by the delegation during the course of the visit was that access to a doctor by persons detained in Militia establishments was, on the whole, satisfactory.

However, the new Code of Criminal Procedure does not contain provisions entitling detained persons to access to a doctor. Further, it became apparent that it was common for Militia staff to be present during medical examinations.

In addition, although registers for the recording of injuries were kept in the IVS establishments visited (usually by the establishment's feldsher), these registers did not set down the detainees' explanations as to how they had sustained the injuries.

**The CPT refers to the recommendations already made in the report on the 1998 visit (cf. paragraph 170 of document CPT (99) 26) and calls upon the Russian authorities to take steps to ensure that:**

- **the right of persons deprived of their liberty by the Militia to be examined by a doctor is expressly guaranteed, including the right to be examined, if the person concerned so wishes, by a doctor of his own choice, in addition to any medical examination carried out by a doctor called by the Militia;**
- **all medical examinations are conducted out of the hearing and – unless the doctor concerned expressly requests otherwise in a given case – out of the sight of Militia staff;**
- **the results of every examination, as well as any relevant statements by the person concerned and the doctor's conclusions, are formally recorded by the doctor and made available to the detainee and his lawyer.**

At the beginning of the visit, officials from the Ministry of Internal Affairs informed the delegation that a joint order had been issued by the Ministries of Internal Affairs and Health concerning medical care in Militia establishments. **The CPT would like to receive a copy of that order.**

41. As during previous visits, the delegation came across many cases in which custody registers were inaccurately completed. The most common fault was a failure to record the time at which detainees were released or transferred to other establishments. In addition, it was not uncommon for sections not to be completed, entries to be out of sequence, newly arrived detainees not to be registered and entries to be completely obliterated with "white ink".

Custody registers are important tools for the prevention of ill-treatment. However, their effectiveness is compromised if the rules concerning their maintenance are not followed. **The CPT therefore repeats the recommendation made in the report on the 1999 visit (cf. paragraph 22 of document CPT (2000) 7) that steps be taken immediately to ensure that registers are properly maintained.**

42. One of the institutional safeguards against ill-treatment provided by Russian law involves prosecutors carrying out inspection visits to places of detention. Senior Internal Affairs officers also carry out such visits as part of the internal monitoring mechanism. For these visits to be effective, they should be unannounced and take place at random intervals. The information gathered during the December 2001 visit confirmed that this was the case to a large extent; however, there were exceptions (e.g. at Lefortovo RUVD in Moscow the delegation was informed that the prosecutor visited every Thursday; this can hardly be described as "unannounced").

Further, both the written comments made by prosecutors and senior officers in the inspection registers and the reports sent following such visits suggested that the inspection visits tended to focus on such issues as the accuracy of records and sufficiency of numbers of staff on duty. Little attention was paid to material conditions of detention and to issues related to the application of safeguards against ill-treatment; moreover, there was no evidence of any direct contact between prosecutors and detained persons.

**The CPT recommends that the Russian authorities take appropriate steps to ensure the effectiveness of inspection visits by prosecutors and senior Internal Affairs officers to places of detention operated by the Militia, in the light of the above remarks.**

43. In its report on the 1998 visit (cf. paragraph 154 of document CPT (99) 26 ), the CPT stressed that an effective means of preventing ill-treatment by the Militia lies in the diligent examination by prosecutors and judges of all complaints of such treatment brought before them, and when appropriate, the imposition of a suitable penalty. This will have a strong dissuasive effect.

At the beginning of the December 2001 visit, officials of the Ministry of Internal Affairs in Moscow informed the delegation that no complaints against physical ill-treatment by Militia staff had been lodged in the Russian Federation in 2001. Similar information was received by senior staff at the Department of Internal Affairs in Khabarovsk. In the CPT's view, this is certainly not an indication that there have not been cases of ill-treatment, but rather that the complaints system is not working properly. In this context, it is noteworthy that a person interviewed by the delegation in Vladivostok alleged that when he complained to the prosecutor about being beaten by Militia, the prosecutor apparently told him "if you complain about my officials, I will give you a hard time in the SIZO". It was also alleged that lawyers sometimes dissuade their clients from lodging complaints concerning ill-treatment by Militia staff (cf. paragraph 39).

**The CPT calls upon the Russian authorities to take urgent steps to ensure that an effective complaints system is in place and that persons are not dissuaded from having recourse to it. In this context, prosecutors should be reminded of their existing responsibilities under Prosecutor General's Order No 31 of 18 June 1997.**

## **B. Establishments under the authority of the Ministry of Justice**

### **1. Preliminary remarks**

44. The CPT's delegation visited four establishments of different types run by the Ministry of Justice's Main Department for the Execution of Punishments: one pre-trial establishment, SIZO No 1 in Vladivostok; one colony for men, Colony No 8 in the village of Start (Komsomolsk-na-Amure region); one penal establishment for women, Colony No 12 in the village of Zaozernyi (Khabarovsk region); and one specialised medical-correctional establishment, LIU No 23 in Ussuryisk.

45. It should be stressed at the outset that the CPT was pleased to note the progress being made on an issue of great concern for the Russian penitentiary system: overcrowding.

When the CPT first visited the Russian Federation in November 1998, overcrowding was identified as the most important and urgent challenge facing the prison system. At the beginning of the 2001 visit, the delegation was informed that the remand prison population had decreased by 30,000 since 1 January 2000. An example of that trend was SIZO No 1 in Vladivostok, which had registered a 30% decrease in the remand prison population over a period of three years.

One important development in this respect is the entry into force in 2001 of amendments to the Criminal Code, the Code of Criminal Procedure and the Penal Enforcement Code, aimed at a further humanisation of the penitentiary system and limiting the number of prisoners. The amendments introduce *inter alia* a limit of 6 months (extendable by a further 3 months in special cases) on the period a person may spend in custody after his case has been transferred to court.

Another recent development is the adoption in August 2001 of a Federal Programme on the "Reform of the penal enforcement system of the Ministry of Justice in the years 2002 – 2008", the announced aims of which are *inter alia* "to bring conditions of detention in accordance with the minimal standards of treatment of prisoners and the provisions of the Penal Enforcement Code", and "to create the necessary conditions for providing work to sentenced prisoners". The programme contains detailed plans and budgetary provisions for the construction and reconstruction of SIZOs and prisons. The expected end results include the provision of 10,130 new places and the reconstruction of 35,910 places in SIZOs, the creation of 1,863 places for prisoners sentenced to life imprisonment, and the employment of at least 40,000 non-working sentenced prisoners.

The CPT welcomes the measures taken in recent years by the Russian authorities to address the problem of overcrowding, including instructions issued by the Prosecutor General's Office, aimed at a more selective use of the preventive measure of remand in custody. Nevertheless, the information gathered by the Committee's delegation shows that much remains to be done. In particular, overcrowding is still rampant and regime activities are underdeveloped. In this respect, **the CPT reiterates the recommendations made in its previous reports (cf. paragraphs 25 and 30 of the report on the 1998 visit, CPT (99) 26; paragraphs 48 and 50 of the report on the 1999 visit, CPT (2000) 7; paragraph 52 of the report on the 2000 visit, CPT (2001) 2).**

46. In the course of the 2001 visit, the CPT's delegation also noted that the regular supply of anti-tuberculosis drugs in sufficient quantities was ensured in the regions visited. This is another important achievement which will be discussed in more detail in the section "Health-care issues".

## 2. Torture and other forms of ill-treatment

47. The CPT's delegation received no allegations of torture or other forms of physical ill-treatment by staff working at the penitentiary establishments visited.

At Colony No 12 for women in Zaozernyi, relations between staff and prisoners appeared to be relaxed, a state of affairs probably at least partly due to the high proportion of female staff. However, it should be noted that when prisoners-mothers met their children in the Baby Unit, the prison staff who were present carried their truncheons in a conspicuous manner.

Further, the delegation did not observe any particular difficulties in relations between staff and prisoners at SIZO No 1 in Vladivostok; however, the very restrictive nature of the regime (cf. paragraph 61) meant that the amount of contact between staff and inmates was minimal.

Staff-prisoner relations at Colony No 8 in Start and LIU No 23 in Ussuryisk were based on a strictly regimented approach, as a result of which the atmosphere at those establishments was rather tense. At Colony No 8 in particular, staff were walking around brandishing their truncheons in a threatening manner. Allegations were also heard at the latter establishment of verbal abuse by staff and unnecessary roughness during searches; it was also clear that prisoners were afraid or reluctant to speak openly to the delegation.

**The CPT trusts that the Directors of the establishments visited will remain vigilant and continue to deliver to their staff the clear message that all forms of ill-treatment of inmates - including verbal abuse - are not acceptable.**

48. In its previous reports, the CPT has already made recommendations concerning the conspicuous carrying of truncheons by prison staff. In their letter of 21 March 2002, the Russian authorities state that "the invisible carrying of truncheons is impossible due to design peculiarities and requirements related to uniform". Further, it is indicated that the laws and regulations in force do not envisage restrictions with respect to the bearing of special means and weapons.

However, the CPT remains of the view that, in the interest of promoting positive relations between staff and inmates, truncheons carried by prison staff should be hidden from view. **The Committee therefore urges the Russian authorities to reconsider its position on this matter.**

49. The report on the 2000 visit paid special attention to the regulations and practice related to the use of "special means". During the 2001 visit, the delegation examined in detail this issue at the establishments visited. The use of "special means" was well-documented, and there were no indications of too frequent use of such means.<sup>2</sup> However, there was some evidence to suggest that the use of truncheons was not always proportionate to the alleged breach of regulations committed by the prisoner.

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<sup>2</sup> For example, at SIZO No 1 in Vladivostok, there had been 33 instances of the use of "special means" in the first 11 months of 2001 (20 of the use of rubber truncheons, 9 of physical force and 4 of handcuffs).

The CPT accepts that the maintenance of good order and discipline is a priority within penitentiary establishments and that staff have a duty to ensure compliance with the regulations. However, there are other methods of doing this than an immediate resort to “special means”. Sanctions should be applied in a graduated manner, proportionate to the behaviour and conduct with which staff are faced. **The Committee reiterates its recommendation that the precise situations in which prison officers may use truncheons and other special means be more clearly defined, and that detailed instructions concerning their use be issued (cf. paragraph 61 of the report on the 2000 visit, CPT (2001) 2).**

In this respect, **the CPT would like to receive information about the training that prison staff receive in the use of “special means” and copies of any existing written directives.**

Further, **the CPT recommends that prison managers and prosecutors be particularly vigilant when examining cases of the use of “special means” and ensure that they are only used when – and to the extent – strictly necessary, and never as a form of physical punishment.**

### **3. SIZO No 1 in Vladivostok**

50. SIZO No 1 is situated in a residential area in the centre of Vladivostok. Constructed as a prison in 1904, it was gradually enlarged and renovated over the years. With an official capacity of 1,570 (calculated on the basis of 4 m<sup>2</sup> of living space per inmate), on the first day of the visit the establishment was holding 2,715 inmates, including 123 women, 136 juveniles and 24 foreign nationals. Half of the inmates were under investigation or awaiting appearance at first instance courts. Another 30% were appealing or awaiting the final entry into force of their sentences. The remainder of the inmate population comprised sentenced prisoners employed on maintenance duties (148), sentenced prisoners awaiting transfer to penal establishments (147), and “transit” prisoners making a stopover at the Vladivostok SIZO on their way to other destinations (203).

#### **a. material conditions**

51. Despite what has already been said about the downward trend in the remand prison population (cf. paragraph 45), SIZO No 1 in Vladivostok remained seriously overcrowded, especially Blocks 1 and 2, which accommodated male remand prisoners. Cells measuring 7.5 m<sup>2</sup> usually held 3 to 4 prisoners, dormitories measuring 20 m<sup>2</sup> accommodated as a rule between 17 and 20 inmates, and dormitories measuring 33 m<sup>2</sup> held up to 30 inmates. In a number of cells, not every prisoner had his own bed (the most extreme case seen being a cell measuring 20 m<sup>2</sup> which contained 8 beds and was accommodating 25 persons) and inmates took turns to sleep on the available beds or slept on the floor.

The negative effects of the overcrowding were exacerbated by the fact that cell windows (including those in the section accommodating prisoners with TB) were covered with slatted metal shutters, which severely restricted access to natural light and fresh air. As for artificial lighting - which was left on 24 hours a day - it was poor in many of the cells. The level of hygiene was also dubious: in some cells the delegation saw cockroaches, and prisoners also referred to the presence of mice and rats.

The cell equipment consisted of double bunk beds with mattresses and bedding, a floor-level toilet - occasionally with a curtain around it to act as a screen - and a washbasin with a cold water tap. The sanitary installations were generally in a decrepit state.

52. The delegation came across some cells which offered strikingly better conditions of detention than those found in other prisoner accommodation areas. The cells were in a good state of repair and cleanliness. Further, the range of personal possessions and furnishings was much wider than on normal location (including a shower with hot water and a refrigerator). Most noteworthy of all, the ubiquitous metal blinds had been removed from the windows, and prisoners consequently enjoyed access to natural light and fresh air. The delegation was unable to ascertain the criteria used to allocate prisoners to such superior accommodation.

53. The negative consequences for the vast majority of prisoners of the poor material conditions described in paragraph 51 were compounded by the fact that some prisoners had spent lengthy periods of time at the SIZO. The delegation received a list of 133 prisoners whose cases had been with the courts for over six months; 3 of them had been held at the SIZO since 1998, 10 since 1999, and 42 since 2000.

Further, the establishment was holding 56 sentenced prisoners beyond the permitted ten days after the entry into force of their sentences, including 11 prisoners serving long terms (referred to as "particularly dangerous recidivists"), some of whom had already spent eight months at the SIZO after the entry into force of their sentences. These prisoners were awaiting transfer to a new special-regime colony at Volchanets, said to be in the process of completion. They were accommodated in cells on the first floor of Block 1 (until recently, used to hold prisoners sentenced to life imprisonment). The cells measured 7.5 m<sup>2</sup> and usually accommodated two prisoners each; however, in one cell the delegation saw seven prisoners. The cells were dark, unventilated and cold, with dilapidated equipment and walls damaged by dampness.

54. The worst conditions of detention were found in the quarantine unit on the first floor of Block 2, used to hold newly arrived prisoners before their allocation to cells in the SIZO proper, as well as prisoners being transferred to/back from courts or IVS facilities. The unit comprised ten cells which measured some 7.5 m<sup>2</sup> and could accommodate up to 4 inmates each. The cells were furnished with two sets of bunk beds, a floor-level toilet and a washbasin; this equipment was in general dilapidated and filthy. Moreover, no mattresses or blankets were provided to prisoners placed in the unit. In many of the cells, there was no glass in the window, as a result of which the temperature was extremely low. At least one prisoner met in the quarantine unit had spent the previous night in such a cold cell. Further, several inmates interviewed in other parts of the SIZO stated that in the recent past they had spent 3 days and nights in the quarantine unit, apparently because they had arrived just before a weekend.

The deplorable state of the quarantine unit led the delegation to invoke Article 8, paragraph 5, of the Convention (cf. paragraph 12) and request the Russian authorities to provide within 3 months an account of the measures taken to improve conditions in that unit. In their letter of 21 March 2002, the Russian authorities indicate that the windows in the quarantine cells have been glazed, and detainees held there overnight are now provided with all the necessary bedding. The CPT welcomes this development.

55. Material conditions in the unit for prisoners awaiting transfer or in transit (“*sbornoe otdelenie*”) also gave rise to serious concern. Located on the first floor of Block 2, the unit comprised seven cells of varying sizes (12 - 26 m<sup>2</sup>). The delegation was told that an average of 170 prisoners passed through the unit every day. The cells were dimly lit, poorly ventilated, run-down and very cold. Their equipment consisted of a few narrow benches, a filthy hole in the floor serving as a toilet, and a tap fixed above it which provided drinking water. At the time of the visit, one of the cells, measuring some 12 m<sup>2</sup>, was holding 18 juveniles awaiting transportation; the cell was so cold that they were standing close together in an attempt to stay warm. Further, although it was the middle of the afternoon and the juveniles had been in the cell since the morning, they had still not been offered anything to eat.

In their letter of 21 March 2002, the Russian authorities indicate that cells in the transfer unit have been redecorated and central heating radiators and additional benches installed.

56. Block 3, which accommodated the female and juvenile prisoners, was a more recent construction, dating back to the mid-1980s. It offered better conditions of detention to the extent that it was less overcrowded and all prisoners had their own bed. For example, cells measuring some 23 m<sup>2</sup> were holding between four and six women. As for the juveniles, they were held two to six to a cell (23 - 27 m<sup>2</sup>). However, cell windows were once again covered with slatted metal shutters, depriving prisoners of natural light and preventing the entry of fresh air. The equipment consisted of bunk beds on two - occasionally three - levels (many of which were unoccupied), a toilet with a curtain around it, a washbasin and a table. Although the building was relatively new, the cells and their equipment were already showing signs of dilapidation.

57. Prisoners were allowed a weekly bath; no particular complaints were received in this respect. The establishment provided only soap; other personal hygiene products had to be purchased by the prisoners themselves. The laundry washed only blankets and bedding supplied by the SIZO, and prisoners had to rely on improvised arrangements to wash their own clothes and bed linen.

58. As during previous visits to SIZOs, the delegation noted the presence of a number of extremely small cubicles (some 1 m<sup>2</sup>) scattered around the establishment. The cubicles were deprived of any form of lighting or ventilation save for two holes near the ceiling. Some of them were fitted with a narrow bench, while others were completely empty. Staff explained to the delegation that, according to law, prisoners could be held for up to 2 hours in such cubicles.

As the CPT has made clear in the past (cf. for example, paragraph 81 of the report on the 1999 visit, CPT (2000) 7), such claustrophobic facilities are unsuitable for holding anyone for any length of time.

59. In their response to the remarks made by the CPT's delegation at the end of the December 2001 visit, the Russian authorities state that "Shutters are considered as part of engineering means providing security and surveillance (...) At SIZO No 1, shutters are installed outside the window frames of cells when it is impossible to prevent by architectural, planning and technological means visual or other contact between the cells located in the same building, in neighbouring buildings and the adjacent territory. This requirement was established by the Minister of Justice of the Russian Federation. The requirement is accounted for by the fact that SIZO No 1 is situated in the city centre, in immediate proximity to dwellings, and the behaviour of inmates (gestures, cries, etc.) disturbs people who live in the neighbouring houses, exerts negative influence on their children, which leads to violation of their rights and causes numerous complaints". It is also indicated that, in order to provide a better entry of fresh air, the SIZO is currently looking for the necessary funds to install ventilation in the cell windows.

As the CPT has stressed repeatedly in its previous reports to the Russian authorities, natural light and fresh air are basic elements of life which every prisoner is entitled to enjoy. Moreover, the absence of those elements generate conditions favourable to the spread of diseases and, in particular, tuberculosis. The CPT recognises the difficulties flowing from the city centre location of SIZO No 1 in Vladivostok; however, any devices fixed to cell windows with a view to overcoming these difficulties should be of such a design as to allow access to natural light and the entry of fresh air.

60. In the light of the facts found by its delegation, **the CPT recommends that at SIZO No 1 in Vladivostok:**

- **immediate steps be taken to provide every prisoner with his own bed;**
- **strenuous efforts be made to decrease the overcrowding and to distribute prisoners more evenly within the available accommodation;**
- **measures be taken to ensure access to natural light and adequate ventilation in all prisoner accommodation;**
- **efforts be made to renovate the prisoner accommodation and ensure an adequate level of hygiene;**
- **steps be taken to ensure that all cells and dormitories are adequately heated;**
- **prisoners be guaranteed access to adequate quantities of essential personal hygiene products and cleaning products for their cells;**
- **steps be taken to ensure that prisoners are placed in a position to keep their personal clothing in a clean condition;**
- **the small cubicles referred to in paragraph 58 be withdrawn from service.**

The CPT would also like to receive information on the concrete measures taken to ensure that sentenced prisoners are transferred to establishments for the serving of sentences without delay.

b. activities

61. As already indicated, there were 148 sentenced male prisoners assigned to work at the SIZO. In addition, some 20 women were provided with work (sewing mattresses and sacks). The remainder of the adult inmates spent 23 hours a day locked up in their cells with hardly anything to occupy their time. Some of the cells had TV sets; however, radio sets were apparently not allowed.

It should be added that the establishment's library had a limited selection of old books, and in particular there was a lack of educational and legal literature.

62. Juvenile prisoners benefited from a more developed regime of activities. They attended school classes twice a week (but, surprisingly, were not allowed to keep textbooks in the cells) and periodically had access to a common room, where they could watch video and play table tennis. Further, once a week they were allowed to use the sports hall in Block 3, which was a good facility.

63. The delegation was satisfied that outdoor exercise was offered on a daily basis to all prisoners. However, the exercise yards located on the top of each block were inappropriate for physical exercise, by virtue of both their size (varying between 15 and 25 m<sup>2</sup>) and configuration; in fact, these were former cells the ceilings of which had been replaced by metal grills through which one could get a glimpse of the sky. It should also be noted that adult prisoners were not allowed access to the sports hall in Block 3.

64. In their letter of 21 March 2002, the Russian authorities make reference to several measures taken at SIZO No 1 in Vladivostok to improve activities for prisoners: a sewing workshop employing 24 prisoners has been set up; envelope production has been set up engaging 6 cells (i.e. 30 prisoners); on the basis of a confectionery workshop, the production of cake plates has been launched; 32 prisoners under investigation receive vocational training (as welders, cooks, bakers, builders, carpenters). Further, a donation of 100 textbooks on general subjects has been received from the Primorskyi Territory Department of Public Education. It is also indicated that the exercise yards have been equipped with benches and shelters.

The CPT welcomes these steps, and **recommends that the Russian authorities pursue vigorously their efforts to offer work and other organised out-of-cell activities (recreation/association; education; sport) to prisoners at SIZO No 1 in Vladivostok; further, all prisoners, including adult male and female prisoners, should have access to the sports hall in Block 3.**

**Consideration should also be given to the construction of more appropriate exercise yards which allow prisoners to exert themselves physically.**

#### **4. Colony No 8 in the village of Start**

65. Colony No 8 in Start, situated some 40 km north of Komsomolsk-na-Amure, is a general regime establishment for adult men. Set up in 1936, it was the subject of a major reconstruction in 1970. With an official capacity of 1,550 (calculated on the basis of 2.5 m<sup>2</sup> of living space per prisoner), at the time of the visit the establishment was accommodating 967 inmates, the overwhelming majority of whom originated from the Khabarovsk Territory. This number included 134 prisoners undergoing compulsory treatment for drug addiction by court decision, pursuant to section 97 of the Criminal Code.

##### **a. material conditions**

66. As already indicated, at the time of the visit, the colony was operating well below its official capacity; however, this was a recent development, due to the latest amnesty in 2001. Prisoners were accommodated in detention blocks divided into two units, each comprising one or more dormitories. The dormitories measured between 80 and 160 m<sup>2</sup> and accommodated from 12 to 54 prisoners each. Some of them were holding prisoners in cramped conditions (e.g. the living space per inmate in one of the dormitories in Unit 8 was just under 3 m<sup>2</sup>).

Dormitory equipment consisted of single and bunk beds with full bedding (however, many mattresses were in a poor condition), shared bedside lockers, a table, chairs and an occasional radio or TV set. All blocks were in a dilapidated state, especially the wooden floors and the plumbing. Further, some of the dormitories (i.e. those without double glazing) were very cold: for example, the temperature measured at 5 pm on 12 December 2001 in dormitory No 4 of Unit 5 was 12°C. Nevertheless, prisoner living areas were in general clean and tidy, well-lit and ventilated.

67. The sanitary facilities in the units were, in most cases, dilapidated, filthy and foul-smelling. Prisoners could use the central bathroom once a week (which was also an occasion for them to wash their clothes) and have their bed linen washed in the laundry. However, the bathroom – which was equipped with only five shower heads – was a rudimentary facility; further, problems with water pressure frequently disrupted its operation and prisoners complained that hot water was not always available. In their letter of 21 March 2002, the Russian authorities informed the CPT that the bathroom facility was being refurbished; the Committee welcomes this development.

The colony failed to provide the majority of prisoners with basic necessities, such as personal hygiene products (except for small quantities of soap and washing powder) and warm winter clothing.

68. Further, the delegation heard many complaints about the quantity and, especially, the quality of the food provided. These complaints referred mostly to the monotonous diet, which consisted mainly of porridge and cabbage. The colony's management stated that, with a daily food allowance of some 11 Roubles per prisoner, it was only with great difficulty that the relevant calorific norms were being respected. Many prisoners told the delegation that they relied to a large extent on food packages sent by their families.

69. **The CPT recommends that:**

- **efforts be made to decrease occupancy levels in the dormitories with the most cramped conditions (e.g. Unit 8), *inter alia* through a more even allocation of prisoners between the units;** as already indicated (cf. paragraph 53 of the report on the 1999 periodic visit, document CPT (2000) 7), the aim should be to provide in due course a minimum living space of 4 m<sup>2</sup> per prisoner;
- **urgent steps be taken to install double glazing in all dormitories;**
- **efforts be made to refurbish the detention blocks and to improve the equipment and decoration of the dormitories;**
- **steps be taken to improve the state of repair and cleanliness of the sanitary facilities and to ensure that there is a sufficient supply of hot water;**
- **all prisoners be supplied with adequate quantities of personal hygiene products (including toothpaste, toilet paper, etc.);**
- **steps be taken to ensure that all prisoners are provided with clothing adapted to the season;**
- **serious efforts be made to improve the quality and quantity of food provided to prisoners.**

b. activities

70. At the time of the visit, only 38% of prisoners at Colony No 8 were engaged in work. Some 240 inmates were employed in the colony's industrial zone in various workshops (sewing, timber processing, mechanics, souvenir production, etc.). The remainder of the jobs were provided at the colony's bakery, in the boiler rooms and in the general maintenance service. Further, some 40 prisoners were employed outside the colony, at a nearby collective farm and at the colony's animal farm.

The CPT has noted with interest the information provided by the Russian authorities in their letter of 21 March 2002, according to which the Directorate for the Execution of Punishments of Khabarovsk Territory has drawn up a plan of measures to increase the offer of employment for inmates at Colony No 8. **The CPT would like to receive more details concerning these measures.**

71. The colony had on its premises a vocational training school, managed and staffed by the Ministry of Education under an agreement with the Ministry of Justice. At the time of the visit, some 120 inmates were following three to six-month courses leading to qualifications in four professions (electrician, repairman of industrial sewing machines, plumber and carpenter). In addition, the establishment's general secondary school, also under the responsibility of the Ministry of Education, provided courses to 126 inmates.

72. The delegation was informed that prisoners accommodated under strict conditions in Unit 11 and those undergoing compulsory treatment for drug addiction were not allowed to work (although apparently they had access to vocational training and general secondary education). **The CPT would like to have the Russian authorities' comments on this state of affairs.**

73. Daily outdoor exercise took place in yards attached to each block. With the exception of those accommodated in Unit 11 and in the "quarantine" unit, who were allowed 2 hours of outdoor exercise per day, inmates who did not work had access to the yards throughout the day. The colony also possessed a well-equipped indoor sports facility, in which prisoners could play football, basketball and volleyball at designated times; there was also some weightlifting equipment.

The colony did possess a library but, in the same way as at SIZO No 1 in Vladivostok, it offered only a modest selection of books. As regards other activities, the colony had a large club, where performances/social events were organised, and a room where inmates could watch video films. There was also an arts club and a small chapel. Further, in their free time prisoners could play board games, watch TV or listen to the radio in the common rooms.

74. The CPT wishes to stress once again the importance of all prisoners being offered a wide range of purposeful activities which give meaning to the period of incarceration. Accordingly, **the Committee recommends that the Russian authorities take measures to develop further the range of activities available to prisoners in Colony No 8 in Start. In particular, serious efforts must be made to involve all prisoners in work, vocational training and education activities. Special attention should be paid to the provision of work to prisoners undergoing compulsory treatment for drug addiction** (cf. also paragraph 113).

## **5. Colony No 12 for women in the village of Zaozernyi**

75. Colony No 12 is located in the village of Zaozernyi, some 15 km from Khabarovsk. It is a general regime establishment for sentenced women. With an official capacity of 1,207, on the first day of the visit the colony was accommodating 1,080 inmates. Some 40% of them came from Khabarovsk Territory, while the rest originated from other regions of the Russian Far East and Siberia. One of the colony's specificities is that it is the only establishment in this part of the Russian Federation which accommodates sentenced women with children of up to 3 years of age; because of that, pregnant sentenced women are transferred to the colony from other regions.

### **a. material conditions**

76. Due to efforts to limit the number of prisoners sent from other regions and a policy of early releases, the inmate population had dropped in comparison with the year 2000, when the colony was holding some 1,500 prisoners. A significant further reduction was expected as a result of the amnesty announced for the beginning of 2002. However, although the colony was operating below its official capacity, living conditions in the dormitories were cramped.

77. Living accommodation was provided in six residential blocks on two levels. Prisoners were distributed among nine units, according to different criteria (health condition, employment, type of regime, etc.). Each unit consisted of a number of dormitories, a common room, a sanitary annexe and storerooms. There were separate units for prisoners with tuberculosis (Unit 4) and venereal diseases (Unit 9), as well as a distinct dormitory for HIV positive prisoners.

The dormitories varied in size and occupancy levels. Those accommodating working prisoners were typically the most cramped (e.g. 56 women in a dormitory measuring some 80 m<sup>2</sup>). On a more positive note, prisoners spent only the night in the dormitories; during the day they were occupied in various activities outside their units and could move freely inside the units and in the adjacent yards. The dormitories were clean, well-lit and well-ventilated; most of them were also sufficiently heated. The equipment consisted of double bunk beds, stools and lockers (each of the latter being shared by two inmates). The presence of curtains, colourful blankets and plants in the cells contributed to the creation of a cheerful atmosphere and thus counterbalanced the limited living space.

78. Unit 8 accommodated 160 inmates who were pregnant, disabled or bedridden, and therefore not working. The living space per prisoner was somewhat more generous (e.g. a dormitory measuring 85 m<sup>2</sup> accommodated 35 prisoners). However, the dormitories were damp and cold, artificial lighting was poor, and the wooden floors of some of the dormitories were seriously damaged. Further, the toilet facilities were highly unsuitable for disabled and elderly persons, who tended to use buckets instead. It is noteworthy that there were no staff members assigned to assist such prisoners; in consequence, they were dependent on other prisoners who helped them move around and maintain their hygiene.

79. Prisoners were allowed a weekly bath. However, the delegation heard complaints that insufficient time was allocated for the use of the bathroom. The sanitary facilities in the units were in a bad state of repair and insufficient for the number of prisoners. Further, the delegation heard complaints concerning the lack of personal hygiene products: the colony provided only soap to prisoners.

One of the biggest concerns was the poor quality of the water. The establishment had a small, rather primitive facility for producing purified water, which managed to provide prisoners with only 1 litre of drinking water per day. Prisoners resorted to distilling water themselves for various other uses (washing themselves and their clothes, making tea).

The capacity of the colony's laundry was insufficient, and prisoners washed their clothes in the units. Further, there was a shortage of space to dry the washing.

On a more positive note, the inmates appeared to have at their disposal appropriate clothing and footwear for the winter season.

80. A number of prisoners complained about the food, in particular the lack of vitamins. Although prisoners could receive food parcels, they were not allowed to cook in the units.

The colony's kitchen was modestly equipped. Special dietary regimes were provided to sick prisoners, HIV positive prisoners, prisoners with TB and pregnant prisoners. However, a verification of the food stocks revealed that only 55 kg of meat with bones was available to prepare 1,080 lunch portions for the following day.

81. In their letter of 21 March 2002, the Russian authorities informed the CPT of certain measures being taken at Colony No 12; in particular, the bath-and-laundry unit is being overhauled and its capacity increased, and two additional electric boilers are being installed to provide an adequate supply of drinking water for the inmates.

The CPT welcomes these measures, and **would like to receive confirmation that they have been brought to completion.** Further, **the Committee recommends that:**

- **efforts be made to reduce the occupancy levels in the dormitories, the aim being to provide in due course a minimum living space of 4 m<sup>2</sup> per person;**
- **steps be taken to improve the heating, artificial lighting and state of repair of Unit 8, and to ensure that disabled and elderly prisoners have access to adequate sanitary facilities; consideration should be given to employing staff capable of assisting such prisoners;**
- **prisoners be supplied with adequate quantities of personal hygiene products (soap, toothpaste, toilet paper, sanitary materials for women's monthly needs, etc.);**
- **further efforts be made to improve the food provided to prisoners.**

Further, the CPT welcomes the steps already taken to provide an adequate supply of drinking water to inmates, **and would like to be informed of plans to address the problem of water for prisoners' other needs.**

b. activities

82. The employment situation was somewhat better than at Colony No 8 in Start. The delegation was told that 52 % of the inmates fit to work had jobs. The majority of the workplaces (460) were provided at the colony's factory specialising in the production of work clothing, uniforms and sportswear. Further, some 70 women were employed on maintenance duties and 25 worked outside the colony.

The delegation heard a number of complaints from prisoners concerning long working hours at the clothing factory (from 8 am to 9 pm, and occasionally as late as 1 am, with short breaks for lunch and dinner). Staff explained that prisoners had signed declarations that they were willing to work longer hours in order to fulfil the plan. However, prisoners claimed that they had no choice in the matter, and that the norms which they were expected to meet were unrealistically high. **The CPT would like to receive the comments of the Russian authorities on this matter.**

83. The colony had a vocational training school with qualifications for seamstress, cloth-cutting adjuster and sales assistant; 150 women were currently following courses leading to these qualifications. A further 81 women were receiving general education at the colony's secondary school.

In addition, prisoners had access to a variety of other activities (e.g. interest groups in music, theatre, dancing, painting and poetry, aerobics classes, an English language group, Sunday school, etc.). Various social activities were also organised by the territorial prison administration. Further, the colony's library had a satisfactory collection of books and periodicals.

84. It is noteworthy that the colony's administration viewed prisoners' rehabilitation as an important element of the process of serving sentences and made efforts in this direction. After admission, an individual programme was drawn up in respect of each prisoner, in the light of recommendations made by the establishment's psychologists. This programme covered the inmate's correctional process and preparation for release, including education, work, family relations, etc. The Board of Educators assessed the progress achieved by each inmate at 6-monthly intervals.

85. To sum up, the majority of the inmates at Colony No 12 in Zaozernyi could spend a reasonable part of the day engaged in various activities. Nevertheless, **the CPT invites the Russian authorities to strive to further improve the programme of activities offered; in particular, consideration should be given to providing more work opportunities and developing the possibilities for sports activities.**

c. prisoner-mothers and their children

86. The Baby Unit occupied a separate building situated a kilometre away from the colony's perimeter. With an overall capacity of 40, at the time of the visit the unit was holding 15 children. The living accommodation consisted of three sections according to the children's age. The rooms were spacious, clean, attractively decorated, and enjoyed a profusion of natural light. Further, there were several good-sized playrooms containing a variety of toys. The unit also had its own kitchen, a garden and a small farm.

The children in the unit were taken care of by a team of 36 persons, including three doctors (two of whom were paediatricians), nurses, educators and orderlies. Further, one prisoner-mother who was breastfeeding was accommodated and employed at the unit.

To sum up, the Baby Unit offered an appropriate environment for babies and young children and was well-staffed.

87. On the whole, the arrangements for pre-natal care appeared to be adequate. The colony's gynaecologist informed the delegation that all babies were born outside the establishment in two of the city hospitals, with which the colony had good co-operation. During labour, women were not subject to any means of physical restraint. The CPT welcomes this approach, which is fully in line with its recommendations on this subject.

However, the delegation was told that two members of the colony's staff were usually present in the delivery room at the time of birth. Further, a minority of the women stated that in fact they had given birth in a prison hospital. **The CPT would like to receive the comments of the Russian authorities on these matters.**

88. At the outset of the visit, the colony's director stated that prisoner-mothers who were breastfeeding were accommodated with their children, and could subsequently visit the Baby Unit every day. This was confirmed by the gynaecologist; however, other members of staff indicated that the frequency of visits was every second day (weekends excluded), 2 hours per visit.

A somewhat different picture emerged from the delegation's interviews with the prisoner-mothers. All but one of them affirmed that they had been separated from their children after delivery and had not been allowed to breastfeed (apparently on the grounds that the mother had syphilis, smoked or was serving a long sentence). Further, although the permitted frequency of visits to the Baby Unit was 2-3 times a week, there had allegedly been periods of up to two months during which the prisoner-mothers had not been escorted to the unit.

89. In a prison context, the right to motherhood should not be infringed upon more than security considerations and the safety of the child require. Good contact between mother and child is in the interest of both of them; as regards more particularly the former, it can assist the rehabilitation of the prisoner and the development of her ability to assume responsibility for herself and her child.

In this regard, **the CPT recommends that the Russian authorities take steps to ensure that:**

- **prisoner-mothers are accommodated together with their babies after delivery and encouraged to breastfeed (unless there are valid medical reasons against that); if necessary, the relevant legislative provisions should be amended;**
- **subsequently, for so long as the child remains in prison, the prisoner-mother is able to spend an adequate amount of time every day with her child;**
- **after the child has been placed in care outside prison, there is an ongoing involvement of the prisoner-mother in the upbringing of the child.**

Further, **the CPT invites the Russian authorities to seek to increase the interface and co-operation between staff employed at the Baby Unit and health-care and other staff working at the colony who are in contact with the prisoner-mothers.**

## **6. Medical-correctional establishment (LIU) No 23 for drug addicts, Ussuryisk**

90. LIU No 23 for drug addicts is located in an industrial zone on the outskirts of the town of Ussuryisk. It was set up in 1958 as a labour colony specialised in construction works. In 1998, the colony was converted into a medical-correctional establishment for the compulsory treatment of drug-addicts and alcoholics, under section 97 of the Criminal Code. Since there are few such establishments in the Russian Federation, LIU No 23 receives prisoners from fourteen regions in Siberia and the Far East. The establishment's official capacity stands at 1,250, calculated on the basis of 3m<sup>2</sup> per inmate. At the time of the visit, a total of 989 prisoners were held, of whom 721 undergoing compulsory treatment for drug addiction and 59 for alcohol addiction. A further 145 prisoners had completed their treatment but remained under observation until the end of their terms. There were also 64 prisoners who had not been sentenced to undergo compulsory treatment.

### **a. material conditions**

91. As already mentioned, the establishment was operating below its official capacity, once again due to a policy of limiting the number of prisoners sent from other regions.

The living zone comprised three 2-level blocks, each accommodating four units, as well as a similar block occupied by the health-care services, the "quarantine" unit and dormitories for newly arrived prisoners. Prisoners were distributed among the units depending on their type of regime, health condition and employment situation. There was a separate unit (No 10) for HIV positive prisoners, of whom there were some 80 at the time of the visit.

Conditions in most of the dormitories were very cramped (e.g. 63 inmates in a dormitory of some 120 m<sup>2</sup>; 88 inmates in a dormitory 132 m<sup>2</sup>). The equipment consisted essentially of bunk beds, which occupied most of the floor space, and lockers shared by the prisoners.

The block occupied by the health-care services had a number of smaller dormitories where newly arrived prisoners were accommodated during the first 60 days, for the purpose of treatment (cf. paragraph 110). Some 80 prisoners were accommodated there at the time of the visit. The living space per prisoner was somewhat more generous (e.g. 3 inmates in a dormitory of 16 m<sup>2</sup>, 7 inmates in a dormitory of 20 m<sup>2</sup>).

All dormitories were well-lit, adequately ventilated and heated, and maintained in a clean and orderly state. This was also the case as regards the units' sanitary facilities; however, these facilities were often in a poor state of repair.

92. Once a week, prisoners could use the establishment's communal bathroom, which was found to be in an acceptable state of repair and cleanliness. Further, HIV positive prisoners had at their disposal separate showers.

Prisoners had been supplied with warm clothing and footwear appropriate for the season. However, many of them indicated that they had to rely on the families for the provision of blankets, sheets and personal hygiene items, the establishment supplying only mattresses and soap.

Hardly any complaints were heard about the quality and quantity of the food served. Prisoners with tuberculosis and HIV positive prisoners benefited from a special diet which entitled them to milk and margarine. However, a verification of the food stocks by a medical member of the delegation revealed that prisoners rarely consumed meat. Further, the level of proteins in the prisoners' diet was rather low.

93. **The Committee recommends that at LIU No 23 in Ussuryisk:**

- **efforts be made to reduce the occupancy levels in the dormitories, the aim being to provide in due course a minimum living space of 4 m<sup>2</sup> per person;**
- **steps be taken to improve the state of repair of the units' sanitary facilities;**
- **all prisoners be supplied with adequate quantities of personal hygiene products (soap, toothpaste, toilet paper, etc.);**
- **steps be taken to ensure that all prisoners are provided with blankets and sheets;**
- **further efforts be made to improve the quality and quantity of food provided to prisoners.**

b. activities<sup>3</sup>

94. The employment situation at LIU No 23 was unsatisfactory, with only 37% of prisoners having jobs at the time of the visit. The establishment's main production facility, a sewing factory, was under-utilised due to the sporadic placement of orders; only 236 prisoners were currently employed there. An additional 60 jobs were provided at the establishment's souvenir production workshop, bakery, pasta production workshop and garage. Further, some 63 prisoners were employed on general maintenance duties, and another 7 prisoners lived and worked outside the establishment.

As regards education and training, the delegation was told that 59 prisoners were studying at the establishment's secondary school, 57 prisoners were following courses for electricians and sewing-machine mechanics at the vocational training school, and 50 prisoners were being trained on the job.

Recreational activities involved watching TV in the common rooms or dormitories, reading books from the establishment's library, and occasionally participating in sports tournaments. The establishment also had a prisoners' music band. However, the yards attached to the units were not equipped for sports activities, and there were no other outdoor or indoor sports facilities.

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<sup>3</sup> As regards the compulsory treatment for drug/alcohol addiction, cf. paragraphs 109 to 113.

95. The delegation was told that a month prior to its visit, several HIV positive prisoners who used to have jobs at the sewing factory had been stopped from working, on the grounds that there was a risk of transmitting the virus by needles. As a result, none of the 80 HIV positive prisoners had access to work; nor were they offered any educational activities. Watching television was their only pastime.

96. To sum up, due to the shortage of work and other activities, the majority of prisoners at LIU No 23 spent their time in idleness. Such a regime can hardly have a rehabilitative effect on prisoners undergoing compulsory treatment for drug or alcohol addiction.

**The CPT recommends that vigorous measures be taken to increase the number of prisoners at LIU No 23 in Ussuryisk involved in activities, and that efforts be made to develop the range of activities available. In particular, serious efforts must be made to provide more prisoners with work, preferably of vocational value. Measures need to be taken as a matter of urgency to improve the regime of activities offered to HIV positive prisoners and to reconsider the current policy precluding their employment at the colony.**

## **7. Health-care issues**

97. The reports on previous visits by the CPT to the Russian Federation contain a number of recommendations, comments and requests for information in the area of provision of health-care to prisoners, which are the subject of an ongoing dialogue with the Russian authorities. The Committee will therefore limit itself in this report to several matters of particular concern which arose during the 2001 visit.

### **a. staff and facilities<sup>4</sup>**

98. At the outset, the CPT wishes to stress that its delegation was impressed by the efforts of health-care staff in the establishments visited to provide the best standard of care possible, despite often limited finances, equipment and medication.

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<sup>4</sup> As regards LIU No 23 in Ussuryisk, cf. paragraph 111.

99. The health-care teams in SIZO No 1 in Vladivostok, Colony No 8 in Start and Colony No 12 in Zaozernyi were, on the whole, generously resourced in terms of doctors. However, nursing staff resources were limited, in particular in the colonies.

The health-care team at SIZO No 1 in Vladivostok consisted of 80 full-time health-care staff, amongst whom 29 doctors, 11 feldshers and 30 nurses. However, it is noteworthy that there was only one psychiatrist and one dentist; this is not sufficient for an establishment accommodating more than 2,700 prisoners.

Colony No 8 in Start employed 3 doctors (one of whom a psychiatrist), a dentist, 2 feldshers, 4 nurses and a pharmacist. Here there is a clear need to reinforce the nursing staff.

The health-care staff resources at Colony No 12 in Zaozernyi consisted of 16 full-time staff: 9 doctors (including a psychiatrist and a gynaecologist), a dentist, a feldsher, 4 nurses and a pharmacist. Once again, the nursing staff complement is not sufficient for an establishment holding over 1,000 inmates. As for the establishment's Baby Unit, it had separate health-care staff; as already indicated (cf. paragraph 86), the Unit was well resourced in this respect.

**The CPT recommends that steps be taken to:**

- **reinforce the resources of the health-care team at SIZO No 1 in Vladivostok as regards psychiatry and dentistry;**
- **increase the number of nurses at Colony No 8 in Start and Colony No 12 in Zaozernyi.**

100. The health-care facilities at the establishments visited were modestly equipped, but generally adequate.

However, the delegation was struck by the recent decision to equip medical examination rooms at SIZO No 1 in Vladivostok with barred areas: prisoners undergoing different examinations or forms of treatment (and, in particular, those providing blood samples) were placed in these areas and had to pass their arm through the bars. In the CPT's opinion, such an approach could be considered as inhuman and degrading for both prisoners and the health-care staff concerned. The Committee recognises that special security measures might be called for in specific cases; however, the systematic placing of prisoners in barred areas when, for example, blood (or other body fluids) samples are taken is clearly unjustified. **The CPT recommends that the Russian authorities put an end to this practice.**

b. transmissible diseases

101. The progress made as regards the regular supply of anti-tuberculosis drugs has already been acknowledged (cf. paragraph 46). However, in Khabarovsk the delegation learned that, for about a year, no bacteriological tests of sputum samples had been performed, due to the lack of co-operation between the local health care structures and the prison administration. Such a state of affairs can hardly contribute to the effective combating of tuberculosis.

In their letter of 21 March 2002, the Russian authorities indicate that, in order to ensure timely diagnosis of tuberculosis among inmates, the penitentiary establishments in Khabarovsk Territory will carry out twice a year a fluorographic examination of all the inmates. Further, bacteriological tests of TB-prisoners will be performed at the UIN bacteriological laboratory as soon as it is created. They add that the performance of such tests at local TB clinics is possible when the establishments have the requisite funds at their disposal.

**The CPT recommends that urgent steps be taken to ensure that the screening of prisoners for tuberculosis in Khabarovsk Territory (and, as appropriate, elsewhere) is brought into compliance with recognised standards in the field of control of tuberculosis, by performing bacteriological tests of sputum samples in addition to other examinations.**

102. The CPT is also seriously concerned by the practice of transferring back from SIZO to IVS facilities prisoners diagnosed to have BK+ tuberculosis (and hence highly contagious), as well as by the interruption of TB treatment while at the IVS. An interruption of the treatment also appeared to occur during transfers between penitentiary establishments.

In the interest of combating the spread of tuberculosis within the law-enforcement and penitentiary system and in society in general, **the CPT recommends that immediate measures be taken to put an end to the above-mentioned practice.**

103. All the establishments visited accommodated a certain number of HIV positive prisoners.<sup>5</sup> In the two colonies in Khabarovsk Territory (i.e. Colony No 8 in Start and Colony No 12 in Zaozernyi), HIV positive prisoners were accommodated in separate dormitories (conditions in which were adequate), but were otherwise not subject to segregation. In particular, they used the communal bathroom and refectory, associated with other prisoners, and could work and study.

However, this was not the case in Primorskyi Territory: at SIZO No 1 in Vladivostok and LIU 23 in Ussuryisk, HIV positive prisoners were prevented from having any contact with other prisoners.

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<sup>5</sup> There were 193 at SIZO No 1 in Vladivostok, 1 at Colony No 8 in Start, 4 in Colony No 12 in Zaozernyi, and 80 at LIU No 23 in Ussuryisk.

104. HIV positive prisoners at SIZO No 1 were accommodated in cells which were severely overcrowded (up to 20 inmates in a dormitory measuring 24 m<sup>2</sup>), dark, unhygienic and oppressive. Apart from daily outdoor exercise, they had little else in the way of activities. Moreover, they were taken out of their cells into the exercise yards through a narrow barred passage way, resembling that used to take animals out into an arena. Staff explained that this was done in order to prevent any physical contact between them and the inmates. As an extra measure of security, a dog was usually present when prisoners walked to the exercise yard.

Material conditions in the unit accommodating HIV positive prisoners at LIU No 23 in Ussuryisk were better than at SIZO No 1 in Vladivostok (albeit far from ideal). However, as already mentioned (cf. paragraph 95), the prisoners in question were not allowed to engage in work, education or any other organised activities. Further, they had no access to a dentist, and practised tooth extractions between themselves.

More generally, HIV positive prisoners at SIZO No 1 and LIU No 23 complained about long delays in seeing a doctor, lack of information on their illness and no psychological support. Further, the medical treatment offered to them was minimal.

105. In the responses provided to the remarks made at the end of the visit, the Russian authorities indicate that, according to Article 3 of Federal Law No 25-FZ of 9 March 2001 “On changes and amendments to the Penal Enforcement Code of the Russian Federation and other legal acts”, HIV positive prisoners no longer need to be held in separate medical-correctional establishments. Nevertheless, since the Penal Enforcement Code provides for the accommodation of prisoners suffering from infectious diseases apart from healthy prisoners, HIV positive inmates are held in separate cells and taken for outdoor exercise separately as well.

The CPT welcomes the removal of the requirement that HIV positive prisoners be held in separate medical-correctional establishments; as the Committee has made clear in previous reports, there is no medical justification for segregating a prisoner solely on the ground that he is HIV positive. The CPT also welcomes the approach towards HIV positive prisoners followed in Khabarovsk Territory. However, it was very concerned to learn that the misconceived practice of ostracising HIV positive prisoners is still being followed in Primorskyi Territory.

**The Committee recommends that steps be taken immediately to ensure that HIV positive prisoners are not discriminated against on the ground of their health; in particular:**

- **the barred passage way leading to the outdoor exercise yards for such prisoners at SIZO No 1 in Vladivostok should be dismantled;**
- **material conditions in the cells accommodating HIV positive prisoners at SIZO No 1 in Vladivostok should be improved;**
- **access to a dentist should be ensured to HIV positive prisoners at LIU No 23 in Ussuryisk;**
- **HIV positive prisoners should, in the same way as others, benefit from the recommended improvements in activity programmes at SIZO No 1 in Vladivostok and LIU No 23 in Ussuryisk;**

- **steps should be taken to improve the level of information, health care and psychological support provided to HIV positive prisoners at SIZO No 1 in Vladivostok and LIU No 23 in Ussuryisk.**

More generally, **the CPT would like to stress once again the need for programmes of education and information to both prison staff and inmates about methods of transmission, means of protection, etc. in respect of HIV/AIDS.**

106. It became apparent during the visits to establishments in Khabarovsk Territory that drugs for the treatment of multi-resistant TB and HIV infection were available in civilian hospitals, but not in the prison system. In their letter of 21 March 2002, the Russian authorities state that due to limited budgetary financing, the medical units at Colony No 8 and Colony No 12 cannot afford to buy expensive medicines such as those used at outside hospitals.

In this context, **the CPT wishes to stress once again that a greater involvement of the Ministry of Health and the regional health-care committees in the provision of health-care in the prison system would help to ensure implementation of the fundamental principle of equivalence of health care in prison with that in the outside community.**

c. psychiatric and psychological care

107. At Colony No 8 in Start and Colony No 12 in Zaozernyi, the delegation was told that inmates who were agitated or suicidal were normally placed, “until they calm down”, in the establishments’ disciplinary units (ShIZO). At Colony No 12, the delegation found evidence of such an approach adopted in respect of one mentally disturbed prisoner. The ShIZO cells were totally inappropriate for such a use (cf. paragraph 118) and could only exacerbate the condition of the persons concerned. **The CPT recommends that urgent steps be taken at Colony No 8 in Start and Colony No 12 in Zaozernyi to find other, more suitable, accommodation for the purpose of holding temporarily agitated mentally disturbed prisoners. The confinement of such prisoners to a cell should be either expressly ordered by a doctor or immediately brought to the attention of a doctor with a view to seeking his approval. Further, such prisoners should benefit from close staff supervision and support.**

More generally, the Committee wishes to stress once again that seriously mentally ill prisoners should be cared for in a hospital facility which is adequately equipped and possesses appropriately trained staff. **The CPT recommends that steps be taken to ensure that mentally disturbed prisoners who require in-patient psychiatric treatment are transferred without delay to appropriate hospital facilities, where they can enjoy material conditions and treatment regimes equivalent to those provided to civil psychiatric patients.**

108. All the establishments visited employed a number of psychologists working with both prisoners and staff. This is a welcome trend which will hopefully be reinforced in the future.

- d. prisoners undergoing compulsory treatment for drug or alcohol addiction

109. As already mentioned (cf. paragraph 90), LIU No 23 in Ussuryisk was specialised in the compulsory treatment of prisoners to whom section 97 of the Criminal Code was applied, i.e. who had been sentenced for committing criminal offences and had been declared in need of treatment for drug or alcohol addiction. Such prisoners may also be held in designated sections of ordinary colonies, as was the case at Colony No 8 in Start, which had 134 prisoners of this category.

The organisation of compulsory treatment is governed by recently adopted “Regulations for the compulsory ambulatory treatment of sentenced prisoners for alcoholism and drug-addiction” (cf. Ministry of Justice Order No 229 of 3 August 2001). The duration of compulsory treatment is limited by the length of the sentence; further, there is a possibility to terminate the treatment earlier if the prisoner concerned is no longer deemed in need of treatment. The regulations provide for a periodic assessment of the prisoner’s progress by a medical commission (after the first 6 months and then once a year), which recommends to the court termination or prolongation of treatment.

110. The delegation was told that compulsory treatment at LIU No 23 involved three stages. During the first 60 days after arrival (the stage of “active therapy”), prisoners were placed in the health-care unit where they underwent examinations and psychological tests, on the basis of which an individual treatment plan (including educational and work aspects) was established. At this initial stage, prisoners received pharmacotherapy (vitamins and tranquillizers), physiotherapy and individual and group psychotherapy, and were regularly seen by a psychiatrist-narcologist.

At the end of the 60 days, prisoners were transferred to ordinary units where in principle they could work and study, and some continued to receive ambulatory treatment. Their progress was monitored at monthly examinations by a psychiatrist-narcologist (the stage of “dynamic observation”). A commission comprising the establishment’s Head doctor, Deputy Director and Head of Operations was convened to decide whether the prisoner was ready to pass to the following stage.

At the third stage (“the stage of control”), prisoners were seen by a narcologist once every 3 months. This stage continued until the end of the compulsory treatment (but no longer than 3 years for alcoholics and 4 years for drug-addicts). Occupational therapy should form an integral part of the treatment programme. However, as already noted, only 37% of prisoners at LIU No 23 had work; the range of other activities was also limited (cf. paragraph 94).

There were no programmes for relapse prevention and no preparation for life after release. In particular, the establishment’s doctors maintained no links with the out-patient clinics to which prisoners were referred after release and received no feedback on their progress. The delegation was told that some 12% of prisoners had been placed for compulsory treatment more than once.

111. At the time of the visit, the health-care team at LIU No 23 in Ussuryisk comprised 29 persons: 13 doctors (including 8 psychiatrists and one dentist), 3 feldshers and 13 nurses. Further, the establishment employed 3 psychologists. However, according to the results of an inspection by the Prosecutor's Office in June 2000, the establishment's narcological service should employ 31 staff members in order to meet the standards set in normative acts.

In its end-of-visit observations, the delegation highlighted the need for LIU No 23 to have more specially trained staff in order to develop treatment plans and create a more therapeutic atmosphere. In their letter of 21 March 2002, the Russian authorities indicate that in order to improve the professional skills of medical staff at the establishment, training and certification in psychiatry and narcology has been arranged at the Institute of Vocational Training of Vladivostok State Medical University.

112. The treatment provided to prisoners subject to section 97 at Colony No 8 in Start was underdeveloped. The delegation was told that the main strategy was to treat the withdrawal symptoms. Prisoners subject to section 97 were accommodated in a separate unit, where they received vitamins and phytotherapy. However, there was a shortage of specialist staff capable of providing treatment and monitoring (the colony employing only one psychiatrist-narcologist and two psychologists). No special psychotherapy was available. Moreover, none of the prisoners subject to section 97 worked.

113. At both establishments, it transpired from the delegation's interviews with some prisoners undergoing compulsory treatment that they looked upon it as "an additional article to be got rid of as soon as possible" and were sceptical of the positive outcome of the therapy.

It goes without saying that the outcome of compulsory treatment is highly dependent on the prisoner's attitude. Keeping prisoners in a drug-and-alcohol-free environment is important, but not sufficient; the approach should be oriented towards increasing the prisoner's motivation and responsibility, inter alia by providing more possibilities for rehabilitation (work, education, etc.) and opportunities for leave. Consideration should also be given to accommodating separately prisoners who are more motivated and introducing more differentiation in the rehabilitation programmes. **The CPT recommends that measures be taken to bring the compulsory treatment of prisoners with drug and alcohol addiction into line with the above considerations.**

Further, **the CPT recommends that steps be taken to reinforce substantially the team of specialists involved in the treatment and monitoring of prisoners undergoing compulsory treatment at LIU No 23 and Colony No 8 in Start.**

**The Committee also invites the Russian authorities to improve the system of follow-up after release of persons who have undergone compulsory treatment.**

## 8. Other issues of relevance to the CPT's mandate

114. In its previous visit reports, the CPT has made a number of recommendations, comments and requests for information concerning various other issues related to the Committee's mandate (prison staff; using prisoners for the maintenance of good order and control; discipline and isolation/segregation; contact with the outside world; complaints and inspection procedures). The delegation's findings in the course of the 2001 visit suggest that many of the CPT's recommendations in these areas remain to be implemented.

115. As observed during previous visits, the number of prison staff working in prisoner accommodation areas was generally low. For example, at Colony No 8 in Start, there were only two senior and five junior custodial staff present inside the perimeter of the detention zone during any given shift. The delegation was informed by senior representatives of Khabarovsk Territory UIN that this was not an exceptional situation: the average ratio of custodial staff to prisoners in the Territory's penitentiary establishments was 1:150. Such a low custodial staff complement puts at risk the safety of both staff and prisoners, and can have a negative impact on the staff's attitude towards inmates. **The CPT reiterates its recommendation that the Russian authorities take steps to improve staffing levels in prisoner accommodation areas of the establishments visited. If necessary, existing staff should be reallocated so as to increase the proportion of staff serving in those areas.**

116. In the area of discipline, at Colony No 12 in Zaozernyi inmates were given an *oral hearing* before the imposition of disciplinary sanctions; this approach had apparently been introduced at the initiative of the Khabarovsk Territory UIN, which had issued in December 2000 methodological recommendations concerning the disciplinary procedure. The CPT welcomes this development, and **reiterates its recommendation that the relevant regulations for the whole Russian penitentiary system be amended so as to guarantee such an oral hearing.**

117. The sanction of *placement in disciplinary isolation cells* was used frequently at SIZO No 1 in Vladivostok (647 placements in the first 11 months of 2001) and very frequently at Colony No 8 in Start (252 placements in the first quarter of 2000, rising to 343 in the first quarter of 2001). As regards the use of PKT cells, at Colony No 8 there had been 39 placements between the end of October and 1 December 2001. The delegation was also struck by the frequency with which the maximum length of disciplinary isolation was imposed at the latter establishment: in the weeks preceding the visit, 24 out of 30 inmates placed in the ShIZO had been given the maximum period of fifteen days.

**The CPT recommends that the Russian authorities review the practice of disciplinary isolation at SIZO No 1 in Vladivostok and placements in the ShIZO and PKT cells at Colony No 8 in Start, in order to verify that the sanction imposed is always proportionate to the offence.**

118. *Material conditions in the disciplinary units* of the establishments visited left a lot to be desired. Authorised occupancy rates were generally too high, e.g. four persons in a cell measuring 6.5 m<sup>2</sup> at Colony No 8 in Start. Moreover, cells were frequently very small; for example, at Colony No 8 in Start, two of the disciplinary cells (Nos 18 and 19) measured barely 3.6 m<sup>2</sup>. Further, several of the disciplinary cells at LIU No 23 in Ussuryisk were very narrow (less than 1 m). The disciplinary cell used for women at SIZO No 1 in Vladivostok was also narrow (1.20 m) and small (less than 5 m<sup>2</sup>).

The disciplinary cells invariably had shutters fixed to the windows, which restricted access to natural light and fresh air. Artificial lighting was poor and was left on 24 hours a day. Many of the cells were cold, damp and dilapidated. The cells' equipment was also far from adequate; in particular, prisoners placed in ShIZO cells at Colony No 8 in Start had no means of rest during the day. Mattresses, pillows and blankets were provided at night.

With the exception of SIZO No 1 in Vladivostok, inmates placed in disciplinary cells had no access to reading matter. On a more positive note, the delegation was satisfied that prisoners placed in disciplinary isolation cells were allowed 1 hour of outdoor exercise per day. However, the outdoor exercise facilities left much to be desired. Two of the so-called "exercise yards" attached to the disciplinary unit of LIU No 23 in Ussuryisk were in fact cages measuring some 3 m<sup>2</sup>; such facilities are totally inappropriate for outdoor exercise. Similar facilities (although larger: some 6 m<sup>2</sup>) were seen at Colony No 8 in Start.

119. At the end of the visit, the delegation invoked Article 8, paragraph 5, of the Convention, and requested the Russian authorities to withdraw from service the above-mentioned very small/narrow cells at Colony No 8 in Start and LIU No 23 in Ussuryisk, and to replace the cage-like exercise yards with outdoor facilities which enable prisoners to physically exert themselves. In their letter of 21 March 2002, the Russian authorities indicate that cells Nos 18 and 19 at Colony No 8 have been reconstructed and made into one cell; work has also been carried out in order to improve artificial lighting in all ShIZO and PKT cells. Further, the narrow cells at LIU No 23 have been withdrawn from service as from 10 February 2002 and measures are being taken to enlarge them. As to the exercise yards at the two establishments, their enlargement and reconstruction was foreseen in the spring of 2002, as soon as the ground unfreezes.

The CPT welcomes these measures and **would like to be informed, in due course, of the completion of the works referred to above.** More generally, **the CPT recommends that steps be taken to improve material conditions in the disciplinary/segregation units of Colony No 8 in Start, Colony No 12 in Zaozernyi, SIZO No 1 in Vladivostok and LIU No 23 in Ussuryisk, in the light of the above remarks; as regards more particularly cell occupancy rates, the objective should be to guarantee at least 4 m<sup>2</sup> per prisoner.** Further, **the CPT reiterates its recommendation that the Russian authorities take steps to ensure throughout the country that prisoners placed in disciplinary cells have access to reading matter.**

120. The disciplinary units at the colonies visited were also used to accommodate, for periods lasting up to three months, inmates who had requested for their own protection to be held separately from other inmates. Although such inmates were not guilty of any breach of discipline, they were subject to many aspects of the harsh regime imposed on prisoners undergoing disciplinary sanctions. For example, the light was left on 24 hours a day and they were not allowed out of their cells for any purpose other than one hour of daily outdoor exercise.

The CPT considers that to subject prisoners who have committed no breach of discipline to such a restrictive regime is uncalled for, and **recommends that the Russian authorities take steps to remedy this situation. Alternative methods for protecting such prisoners might be considered; for example, accommodating them together in a part of the colony where they can be subject to a regime similar to that applying to the majority of the other prisoners but still have a heightened level of personal security.**

121. As for contact with the outside world, the rules described in previous visit reports remain unchanged. In particular, the same restrictive visiting arrangements apply to *remand prisoners*. In their responses to previous reports by the CPT, the Russian authorities limit themselves to quoting the existing legislation, without taking a clear position on the Committee's recommendations. The CPT must stress once again that, in its opinion, restrictions on visits for remand prisoners should be strictly limited to the requirements of the individual case and should apply for the shortest possible period of time. Under no circumstances should visits between a remand prisoner and his family be prohibited for a prolonged period. If there is considered to be an ongoing risk of collusion, visits should be authorised, but under strict supervision.

As for the visiting room at SIZO No 1 in Vladivostok, it comprised 7 small booths equipped with telephones; as the CPT has made clear in the past, visiting arrangements of this kind do not facilitate the maintenance of positive relations between prisoners and members of their families. Further, it was alleged that prisoners' relatives had to start queuing up during the previous evening in order to ensure that they could obtain a visit. These allegations are quite credible; the present visiting facilities are totally inadequate for an establishment accommodating over 2,700 inmates. Many prisoners spoken to by the delegation had not had visits for months.

**The CPT strongly reiterates its recommendation that the Russian authorities review arrangements concerning visits for remand prisoners, in the light of the above remarks. If necessary, the relevant laws and regulations should be amended. Further, the CPT recommends that the visiting facilities at SIZO No 1 in Vladivostok be enlarged and improved. The aim should be to enable all prisoners, including those on remand, to receive visits under reasonably open conditions; the use of closed visiting facilities should be the exception rather than the rule.**

122. As for *sentenced prisoners*, the Committee remains of the view that the current provisions applicable to certain categories of such prisoners limit unduly their contact with the outside world (cf. also paragraph 109 of the report on the 2000 visit, CPT (2001) 2). The guiding principle should be to promote contact with the outside world; any restrictions on such contacts should be based exclusively on security concerns of an appreciable nature assessed on a case by case basis.

**The CPT reiterates its recommendation that the Russian authorities consider aligning the visiting entitlement for all sentenced prisoners with that applicable to prisoners serving their sentences in a general colony regime.**

123. The facilities for short-term visits at the colonies visited were of the same unsatisfactory design as those seen previously: small booths rendering physical contact between prisoner and visitor impossible. Further, the number of such booths at Colony No 8 in Start (five), Colony No 12 in Zaozernyi (four) and LIU No 23 in Ussuryisk (four) was insufficient for the respective inmate populations. The facilities for long-term visits were satisfactory, albeit also limited in number.

**The CPT recommends that the facilities for short-term visits at Colony No 8 in Start, Colony No 12 in Zaozernyi and LIU No 23 in Ussuryisk be enlarged and modified, with a view to enabling prisoners to receive visits under reasonably open conditions.**

124. At SIZO No 1 in Vladivostok and Colony No 12 in Zaozernyi, the delegation heard complaints concerning excessive delays in the delivery of incoming and (especially) outgoing prisoners' correspondence. **The CPT would like to receive the comments of the Russian authorities on this subject.**

125. As during previous visits, many prisoners expressed scepticism about the operation of the complaints procedure. In particular, the view was expressed that it was not possible to complain in a confidential manner to an outside authority. In fact, all complaints, regardless of the addressee, were registered by staff in a special book which also contained references to the nature of the complaint. At Colony No 8, the supervising prosecutor indicated that, during his inspections, he was usually accompanied by senior staff members and prisoners would normally not request to meet him in private "because they know that all complaints usually pass through the colony's administration".

In the light of the above, **the CPT reiterates its recommendation that the Russian authorities review the application of complaints procedures, with a view to ensuring that they are operating effectively. If necessary, the existing arrangements should be modified in order to guarantee that prisoners can make complaints to outside bodies on a truly confidential basis.**

## C. Psychiatric establishments

### 1. Preliminary remarks

126. At the outset of the visit, senior officials of the Ministry of Health informed the delegation that, due to the shortage of funding, only a small proportion of the various measures foreseen in the “Federal Programme of Urgent Measures to Develop Psychiatric Services in the years 1995 – 1997” had been implemented. A new draft programme, to be adopted in the course of 2002, was in the process of being drawn up. **The Committee would like to receive, in due course, a copy of that programme.**

Further, the delegation was informed that patients originating from Siberia and the Far East, who had been committed to high-security psychiatric hospitals, continued to be transferred to establishments in the European part of the Russian Federation. A new high-security hospital was under construction in Novosibirsk; however, its entry into service was not expected in the near future. **The CPT recommends that the completion of the new hospital be given the highest priority. The Committee would also like to reiterate its request for detailed information on the transport arrangements for psychiatric patients travelling between different parts of the Russian Federation, in order to be admitted to a special psychiatric hospital.**

127. At present there are no centralised statistics of coercive and involuntary admissions and treatment in psychiatric establishments at the Federation level, the Ministry of Health compiling such statistics only in respect of the seven special-type hospitals under its direct responsibility. In the CPT's view, **it would be advisable for the Ministry of Health to compile statistics for the whole Federation, as this could assist it in formulating objectives and priorities for psychiatric health policy.**

### 2. Vladivostok City Psychiatric Hospital

128. Vladivostok City Psychiatric Hospital is a general-type establishment managed by the municipal authorities. Constructed in the 1940s, it became a psychiatric hospital in 1976.

At the time of the visit, the hospital had an official capacity of 520 beds and was accommodating 509 patients, 217 of whom were women. There were 43 patients undergoing coercive treatment pursuant to Section 13 of the Law on Psychiatric Assistance (LPA) and 14 involuntary patients admitted under Section 29 of the LPA<sup>6</sup>. The average length of stay was 92 days, but certain patients (especially long-term psychotic patients and those admitted under Section 13 of the LPA) had been hospitalised for several years.

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<sup>6</sup> According to the information provided by the hospital's management, some 8% of all admissions in 2000, and approximately 5% during the period 1 January to 1 December 2001, were involuntary.

a. ill-treatment

129. The CPT's delegation heard no allegations of deliberate physical ill-treatment of patients by staff at Vladivostok City Psychiatric Hospital. A few complaints were heard of occasional rude behaviour and verbal abuse by orderlies (i.e. unqualified personnel providing general assistance). However, on the whole, relations between staff and patients appeared to be free of tension. The CPT wishes to put on record the professionalism of the hospital's management and of most of its staff, and their determination to provide basic psychiatric care to patients despite extremely difficult circumstances.

130. As regards orderlies, the CPT wishes to stress that, given the challenges facing them, it is essential that they be carefully selected and given suitable training before taking up their duties, as well as ongoing training. While carrying out their duties, such staff should also be closely supervised by - and placed under the authority and responsibility of - qualified health-care staff. **The CPT recommends that the procedures for the selection of orderlies and both their initial and ongoing training be reviewed, in the light of the above remarks. Further, the management of the hospital should make it clear to such staff that all forms of ill-treatment of patients are unacceptable and will be severely punished.**

b. patients' living conditions

131. It should be stressed at the outset that the hospital had recently emerged from a period of extremely low budgeting, which had obliged the management to release patients who could not be provided with food and medication. The situation observed in 2001 was already a considerable improvement; however, financing remained insufficient.

132. The hospital comprised two blocks: one containing the women's Wards 1 and 2, as well as the men's Wards 1 and 2, and the other housing the administration and the men's Ward 3. The wards accommodated between 72 and 117 patients each. There was no distinction between open and closed wards (in practice, all wards being locked), and patients with different diagnoses were placed together; however, those under coercive treatment were accommodated in separate dormitories.

Patients' living conditions could hardly be considered as acceptable. Despite operating within its official capacity, the hospital was in fact severely overcrowded, to the extent that some male patients slept in the ward corridors. Overcrowding levels were particularly high in the men's Ward 1: for example, the living space per patient in dormitory No 5 was as little as 1.5 m<sup>2</sup>. Most of the dormitories measured between 30 and 50 m<sup>2</sup>, and contained 15 to 30 beds. The dormitories were generally light, airy and clean. However, some of them (e.g. dormitory No 6 in the women's Ward 2) were cold, and so were all the corridors. Full bedding was the norm, although in one "acute" dormitory (No 7 in the men's Ward 2) patients were provided only with mattresses and blankets. A few lockers and stools were to be found in some of the dormitories; however, most patients had no space to store their personal belongings. Further, despite the management's efforts to decorate the living areas with curtains and plants, they remained austere, impersonal and devoid of privacy.

In addition to the dormitories, each ward had a few smaller rooms, where patients who could afford an extra charge benefited from better conditions (e.g. more living space and more privacy).

133. At the time of the visit, the communal toilet and washing facilities in the women's Ward 1 and the men's Wards 1 and 2 were being refurbished. As a result, patients from these wards did not have access to a toilet and were obliged to use buckets in full view of other patients. Furthermore, several patients from other wards complained that access to the toilet was not possible at night and at lunch time (12 am - 2 pm).

At the end of the visit, the CPT's delegation requested the Russian authorities to provide within three months information about measures taken to remedy this situation. In their letter of 21 March 2002, the Russian authorities simply informed the CPT that steps had been taken to improve patients' "individual access to toilets". **The CPT would like to receive confirmation that the refurbishment of toilet and washing facilities at Vladivostok City Psychiatric Hospital has now been completed, and that patients are no longer obliged to use buckets to satisfy the needs of nature.**

Patients had access to the hospital's central bathroom once every 7 - 10 days, which was also an occasion for them to change their underwear and bedding. In addition, patients from the women's Ward 2 could take a shower in their ward. The central bathroom was a dilapidated facility; in the absence of a dressing room, patients were obliged to undress in a cold corridor and leave their clothes on the floor.

134. The delegation did not hear any complaints about the quantity of the food; however, a few patients complained about its quality. The Head Doctor indicated that although the food budget was currently covering only some 50% of the hospital's needs, the official dietary norm (i.e. 2500 kcal/day per patient) was in general respected. As for the hospital's kitchen, it was clean and in working order.

135. The hospital's management is to be commended for its efforts to provide decent living conditions for patients, despite the overcrowding of the establishment and the shortage of finance. Nevertheless, there remains considerable room for improvement. **The CPT recommends that:**

- **serious efforts be made to reduce the overcrowding in the hospital's wards; in particular, immediate steps should be taken to put an end to the practice of accommodating patients in the corridors;**
- **measures be taken to ensure that each patient is provided with full bedding;**
- **steps be taken to ensure that all patient accommodation areas are adequately heated;**
- **efforts be made to offer more congenial and personalised surroundings for patients, in particular by providing them with lockable space and allowing a reasonable number of personal belongings;**
- **steps be taken to ensure that every patient has the possibility to take a hot shower at least once a week; the central bathroom should be refurbished without delay;**
- **efforts be made to improve the quality of food provided to patients.**

**The CPT also invites the Russian authorities to consider the possibility of transforming the large-capacity dormitories in the hospital into smaller structures (cf. also paragraph 131 of the report on the 2000 visit, CPT (2001) 2).**

136. The delegation was told that the hospital occasionally catered for small numbers of juvenile patients (from the age of 15), who would be accommodated together with adult patients. In this regard, the CPT must reiterate its opinion that, in view of their vulnerability and special needs, juveniles requiring psychiatric care should be accommodated separately from adult patients. Consequently, **the CPT recommends that steps be taken without delay to transfer juvenile patients from Vladivostok City Psychiatric Hospital to an appropriate psychiatric establishment offering specific programmes for adolescent psychiatry and education.**

c. psychiatric treatment

137. The treatment provided to patients consisted almost exclusively of pharmacotherapy, and the provision of basic psychiatric medication was currently ensured without interruption. The delegation was informed that a five-level system of “therapeutic and rehabilitative regimes”, following methodological guidelines elaborated by the Bechtyarev Institute in St.Petersburg, was applied at the hospital. According to that system, each patient could move gradually towards more challenging activities and more freedom of movement, including accompanied and unaccompanied leaves. However, the implementation of this system was made difficult by the paucity of work and/or occupational therapy possibilities, which were limited to a few places for female patients in a sewing workshop and some basic cleaning duties on the wards. Further, involuntary patients and patients undergoing coercive treatment were excluded from the higher-level regimes. As for other forms of therapy, little was on offer. The delegation was informed that individual psychotherapy was provided only to a few female patients, and there was no group therapy. In practice, most patients spent the day lying on their beds, walking around the wards, reading books, watching TV and playing games in the common rooms.

As regards outdoor exercise, staff told the delegation that patients could use the relatively spacious yard situated between the blocks on a daily basis. However, no patients were seen taking outdoor exercise during the visit. Further, some patients alleged that they were not allowed to leave their wards at all and consequently did not have outdoor exercise. The delegation noted that the yard had an unused appearance and that there was no secure perimeter.

138. The CPT wishes to reiterate that, in addition to pharmacotherapy, psychiatric treatment should involve a wide range of therapeutic and rehabilitative activities, including access to occupational therapy, group and individual psychotherapy, relapse prevention, art, music and sports. **The CPT recommends that the Russian authorities strive to develop the possibilities for therapeutic and psycho-social rehabilitation activities at Vladivostok City Psychiatric Hospital, in the light of these remarks. Immediate steps must be taken to ensure that all patients at the hospital whose state of health so permits are offered daily outdoor exercise.**

d. staff

139. The delegation was informed that the high proportion of vacancies amongst health-care staff was one of the hospital management's biggest concerns. Staffing levels had apparently recently improved as regards doctors; however, they remained unsatisfactory in respect of nurses and orderlies. Similar to the situation observed in the psychiatric establishments visited by the CPT in 1999 and 2000, most of the nurses and orderlies worked overtime in order to at least partly compensate for this state of affairs.

The hospital's medical team comprised 31 psychiatrists (on 30.5 posts)<sup>7</sup>, a neuro-pathologist, a gynaecologist, two internal medicine specialists, two general practitioners and a dentist. As regards other staff qualified to provide therapeutic activities, at the time of the visit the hospital had two psychologists (for three available posts), one psychotherapist<sup>8</sup> and two social workers. In addition, some of the nurses assisted the social workers in their task.

There were 154 posts for nurses, of which only 66 were filled. The delegation was unable to gain a precise idea of the proportion of nurses who had benefited from specialised psychiatric training. The staff complement also included 277 posts for orderlies, 102 of which were filled at the time of the visit. In each ward, there were two to three nurses (instead of the four foreseen) and three to four orderlies (instead of seven).

140. The psychiatrist/patient ratio at the time of the visit was 1:16, which can be considered as adequate. However, the very limited number of psychologists, psychotherapists and social workers and the lack of occupational therapists clearly precluded the emergence of a therapeutic milieu based on a multidisciplinary approach. As regards the nurses and orderlies, the current resources are insufficient to meet the needs of the hospital. In the light of the above, **the CPT recommends that the Russian authorities take vigorous steps to:**

- **fill the vacant nursing and orderly posts;**
- **reinforce substantially the team of specialists qualified to provide therapeutic and rehabilitation activities, by increasing the number of psychologists, psychotherapists and social workers, and employing occupational therapists.**

141. At the time of the visit, guarding the hospital's perimeter was the task of a private security firm. The Head Doctor stated that security staff were not authorised to enter the wards and had to follow his orders in any event. The delegation noted that such staff, while posted on the perimeter or accompanying patients during their movements outside the wards, carried long batons in their hands, in full view of the patients. This is an intimidating and unjustified practice; **the CPT recommends that it cease without delay. If it is felt necessary for security personnel at the hospital to carry batons, the latter should be hidden from view.**

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<sup>7</sup> In addition, 13 psychiatrists worked in the outpatient clinic, which was administratively attached to the hospital; four forensic psychiatric experts (occupying 3.5 posts) were also on the hospital's payroll.

<sup>8</sup> A second psychotherapist worked in the outpatient clinic.

### 3. Means of restraint

142. The delegation was informed that seclusion was not practised at the Vladivostok hospital. As regards physical restraint, the procedure and means used were similar to those described in the report on the 2000 visit (paragraph 158 of CPT (2001) 2). However, the CPT was concerned to learn that certain patients were on a routine basis employed to help staff in applying physical restraint to other patients. Several patients complained that physical restraint had been applied to them by fellow patients in a painful way; in one case, the delegation's doctor saw marks compatible with such allegations (bruises on the frontal side of the right foot, allegedly sustained 8 days earlier). The CPT strongly disapproves of the practice of using patients to assist with the application of physical restraint and **recommends that it be discontinued without delay; the restraint of agitated and/or violent patients should be the exclusive responsibility of qualified health-care staff assisted, when necessary, by orderlies.** Of course, to ensure that this requirement is always met, there must be sufficient staff (cf. paragraph 140).

143. Further, although staff assured the delegation that physical restraint would normally be applied for a short time, some patients alleged that they had been restrained for periods of up to a week. The delegation found in the duty nurse's daily log at the men's Ward 1 evidence that a patient had been immobilised to his bed for a period of seven days in November 2001. In the Committee's view, such a lengthy application of physical restraint cannot have any therapeutic justification and amounts to ill-treatment. **The CPT recommends that the necessary steps be taken to ensure that if, exceptionally, recourse is had to instruments of physical restraint, they are removed at the earliest opportunity.**

144. It is also noteworthy that there was no specific register for the recording of physical restraint; nor were such events recorded systematically in the patients' personal medical files. **The CPT reiterates its recommendation that every instance of the physical restraint of a patient be recorded in a specific register established for that purpose, as well as in the patient's file** (cf. paragraph 159 of the report on the 2000 visit, CPT (2001) 2).

More generally, **the CPT recommends that a detailed policy on the restraint of agitated and/or violent patients - including both physical and chemical restraint - be drawn up.**

#### 4. Safeguards in the context of involuntary hospitalisation

145. The basic legal provisions concerning coercive treatment (in the context of criminal proceedings) and involuntary (civil) admission and treatment have been described in the reports on the 1999 and 2000 visits. In their letter of 21 March 2002, the Russian authorities informed the CPT that new Regulations on the “Procedure of conducting compulsory treatment and applying other medical measures to persons with grave mental disorders who have committed socially dangerous acts” were being prepared by the Ministry of Justice with a view to their publication. **The CPT would like to receive, in due course, a copy of these new Regulations.**

146. At the Vladivostok hospital, the delegation gained the impression that the procedure for coercive treatment was generally respected, despite occasional delays (up to a month) in the periodic reviews of the measure. However, the review appeared to be sometimes of a cursory nature. Further, most of the patients concerned did not have access to legal advice and therefore it is hardly surprising that challenges to the court decisions as regards coercive treatment were extremely rare.

As to involuntary admission, the procedure set out in Section 29 of the LPA appeared to be followed by the hospital’s commission of psychiatrists. However, the relevant provisions were frequently not observed by the courts: time-limits were not respected (with delays of up to 2 months) and court sessions routinely took place without the presence of the patients or their legal representatives.

**The CPT recommends that the Russian authorities take steps to ensure that the existing procedures concerning coercive psychiatric treatment and involuntary admission and treatment are duly followed in relation to patients at Vladivostok City Psychiatric Hospital and throughout the Russian Federation. Particular attention should be paid to ensuring observance of the relevant time-limits by courts, as well as of the patients’ rights to a hearing and to legal representation.**

147. As during the 2000 visit (cf. paragraph 163 of CPT (2001) 2), the delegation spoke with several *voluntary* patients who complained that they had not been allowed to leave the hospital when they had expressed a wish to do so. **The CPT reiterates its request for the comments of the Russian authorities on this matter.**

148. Patients at the Vladivostok Hospital did not receive written information explaining their situation and rights and outlining the hospital’s internal regulations. **The CPT reiterates its recommendation that an introductory brochure setting out the hospital routine and patients’ rights be devised and issued to each patient on admission, as well as to their families. Any patients unable to understand this brochure should receive appropriate assistance.**

149. As for contact with the outside world, all patients could receive an unlimited number of visits. However, due to the lack of visiting facilities, visits took place in the corridors. Correspondence was free and uncensored. As for access to a telephone, patients were allowed to make one telephone call upon admission to the hospital; however, due to the absence of pay-phones, calls were subsequently only possible “in justified cases”. **The CPT invites the Russian authorities to examine the possibilities for improving the conditions under which visits take place at the Vladivostok hospital as well as access to a telephone for patients.**

**D. Military detention facilities**

150. The CPT's delegation visited two garrison disciplinary units ("gauptvachtas") in the Far Eastern Military District: in Khabarovsk and in Komsomolsk-na-Amure.

151. As far as the CPT's delegation could ascertain, the legal and regulatory provisions concerning "gauptvachtas" had not changed since the 2000 visit. As in 2000, the two "gauptvachtas" visited were used to hold three categories of persons: 1) servicemen undergoing the disciplinary punishment of cellular confinement; 2) servicemen suspected of having committed a criminal offence and remanded in custody; and 3) convicted servicemen awaiting transfer or appealing their sentences.

In the report on the 2000 visit, reference was made to information provided by the Russian authorities, according to which new army statutes were being drafted by the Ministry of Defence, and an inter-ministerial working group had been set up in November 2000 with a view to bringing the legislation on disciplinary punishments vis-à-vis servicemen in line with the international obligations undertaken by the Russian Federation in the field of human rights. **The CPT would like to receive information on the outcome of these endeavours.**

152. The delegation received no allegations of physical ill-treatment by custodial staff in the two military detention facilities visited. Overall, although the level of interaction between staff and detainees was low, the atmosphere in the "gauptvachtas" appeared free of tension.

In its report on the 2000 visit, the CPT asked to receive, in respect of the years 1999 and 2000, information on: i) the number and types of complaints of ill-treatment lodged by servicemen detained in "gauptvachtas" in the Russian Federation; and ii) an account of sanctions imposed following such complaints. No such information has so far been provided to the Committee. **The CPT therefore reiterates its request to receive the above-mentioned information, which should also be provided in respect of the year 2001.**

153. The official capacity of the garrison disciplinary unit in Khabarovsk was initially said to be 50. However, the delegation was subsequently informed that only 9 out of a total of 22 cells were in use. Among the cells reportedly being used, 4 were for servicemen on remand or those sentenced, and 5 for disciplinary detention.

At the time of the visit, two soldiers were held in the remand/sentenced part of the establishment in cells measuring 10 - 14 m<sup>2</sup>, which were intended for up to four persons. The cells were dark, with no direct access to natural light and meagre artificial lighting coming through an opening in the door. Ventilation also left a lot to be desired. The cell equipment consisted of a metal frame on which wooden platforms were placed at night, a table with stools, and a drinking water container. Mattresses and pillows were provided at night; however, there were no blankets.

The cells for servicemen undergoing disciplinary punishment were unoccupied at the time of the visit. They measured some 11 m<sup>2</sup> and could hold up to four detainees each. Once again, there was no access to natural light, artificial lighting was poor and ventilation inadequate. The cell equipment consisted of a small table with stools, a drinking water container and a bucket; at night, servicemen were provided with narrow wooden planks (50 cm wide) which were placed on metal rails fixed to the wall. No mattresses or blankets were allowed.

The rest of the detention facility – which consisted of eight small cells (4.4 m<sup>2</sup>) on the ground floor for remanded servicemen and five cells for sentenced servicemen (some 6 – 7 m<sup>2</sup>) on the first floor - was said to be unused. However, the lack of documentation recording the distribution of detainees into cells prevented the delegation from verifying this assertion. The cells for sentenced servicemen were very clean and in a good state of repair, and were fitted with beds with full bedding, a table and chairs. Nevertheless, they had no windows and no opening in the doors; staff explained that there were plans to make windows, the position of which had already been marked on the walls.

The communal sanitary facilities were adequate and no complaints were heard about access to them.

154. The garrison disciplinary unit in Komsomolsk-na-Amure had an official capacity of 20. On the day of the visit, eight persons were detained at the facility: six undergoing disciplinary punishment and two sentenced privates. There was a total of 10 cells of varying sizes (11 to 35 m<sup>2</sup>), designed to hold two to seven servicemen each. At the time of the visit, there were four servicemen in a cell of 23 m<sup>2</sup>, one in a cell of 11 m<sup>2</sup> and two in a cell of 12 m<sup>2</sup>. In addition, there was a small (4.5 m<sup>2</sup>) and narrow (1.4 m wide) cell for officers remanded in custody, which was said to be out of service.

The cells had little or no access to natural light (most of them were windowless), poor artificial lighting, and were cold and humid. Further, the level of cleanliness of some of the cells left a lot to be desired. The cells were equipped in a similar manner to those in the Khabarovsk “gauptvachta”. As in Khabarovsk, servicemen undergoing disciplinary punishment were not provided with mattresses or blankets at night. As for the sentenced servicemen, each of them was given a mattress and a pillow for the night.

The communal sanitary facilities were clean and in a good state of repair. However, the delegation heard complaints about access to the toilet, which was apparently limited to three times a day for a few minutes. The design of the “shower facility” – which in fact represented a grilled cage – was also inadequate.

On the positive side, no complaints were received about the food served at the establishment, and the canteen was an adequate facility.

An examination of the custody records revealed that several soldiers had been held in the “gauptvachta” beyond the terms for which they had been disciplinarily punished. **The CPT would like to receive the comments of the Russian authorities on this issue.**

155. The regime applied to persons held in the “gauptvachtas” visited was similar to that described in the report on the 2000 visit (cf. paragraph 185 of CPT (2001) 2). Servicemen undergoing disciplinary punishment spent up to 10 hours a day working (clearing the snow, cleaning, etc.) and doing military drills. As for those on remand or sentenced, the only out-of-cell activity was outdoor exercise which, according to different staff members, could last from 40 minutes to one hour. However, at the Komsomolsk-na-Amure “gauptvachta”, the servicemen interviewed by the delegation indicated that they were allowed out of the cell for exercise for only 20 minutes in the evening. Moreover, the two small exercise yards (25 m<sup>2</sup> each) were completely open to the elements and covered in deep snow.

On the positive side, all categories of detained servicemen at the two establishments visited had access to reading matter (newspapers, military and religious literature).

156. To sum up, conditions of detention in the two “gauptvachtas” visited were in many respects analogous to those observed in other military detention facilities at the time of the 2000 visit. **The CPT recommends that steps be taken to:**

- **improve access to natural light, artificial lighting and ventilation in all cells at the “gauptvachtas” in Khabarovsk and Komsomolsk-na-Amure;**
- **reduce permitted occupancy levels in the multi-occupancy cells at the Khabarovsk “gauptvachta” so as to offer at least 4 m<sup>2</sup> per detainee; further, the existing 4.4 m<sup>2</sup> cells, used for single occupancy, should either be definitively taken out of service or enlarged (preferably to at least 6 m<sup>2</sup>);**
- **equip the cells with beds and provide all servicemen detained in the “gauptvachtas” with mattresses and blankets at night;**
- **improve the level of cleanliness at the Komsomolsk-na-Amure “gauptvachta”;**
- **improve detainees' access to a toilet at the Komsomolsk-na-Amure “gauptvachta” and modify the design of the shower facility;**
- **ensure without delay that all detained servicemen are allowed at least one hour of outdoor exercise per day.**

**If necessary, a specific decree amending the relevant provisions of the Statute on garrison and sentry service should be adopted in order to implement the above-mentioned recommendations.**

**E. Federal Border Service establishments**

157. The CPT's delegation visited the Federal Border Service Unit in Pogranichnyi, a small village on the Russian - Chinese border, some 50 km from Ussuryisk. The choice of establishment was made on the basis of the list of FBS detention facilities provided by the Russian authorities at the outset of the visit. However, it became evident that the list was not accurate: the temporary detention facility of the FBS in Pogranichnyi had apparently been closed down in 1995. The delegation was told that persons could be held for up to 3 hours (for the purpose of drawing up a protocol of violation of the border) in the offices of staff; there were no designated detention cells.

The Unit's commander explained that persons who were detained under the provisions of section 30 of Federal Law No 4730-1 of 1 April 1993 on the State Border of the Russian Federation<sup>9</sup> were transferred to the IVS of the Internal Affairs in Pogranichnyi. The delegation was also informed that, pursuant to an agreement between the Russian and the Chinese authorities, Chinese and third country nationals apprehended on the border for illegal border crossing would normally be sent back to China immediately. Thus, in practice, the procedure foreseen in section 30 of Federal Law No 4730-1 was only applied to Russian nationals.

158. The prohibition of torture and inhuman or degrading treatment or punishment encompasses the obligation not to send a person to a country where there are substantial grounds for believing that he would run a real risk of being subjected to torture or ill-treatment. In this context, **the CPT reiterates its request** (already made in paragraph 197 of the report on the 1998 visit, CPT (99) 26) **for a detailed account of the precise steps taken in practice by the Russian authorities to ensure that such a situation does not arise.**

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<sup>9</sup> Persons who have violated the border regime may be detained pursuant to section 30 (4) of the Federal Law No 4730-1. The initial detention can last 3 hours, the time necessary to draw up a protocol of violation of a border. Detention may be prolonged for up to 3 days if the person's identity is unknown or if it is necessary to clarify the circumstances of the violation, provided that the competent prosecutor is notified in writing within 24 hours from the moment of apprehension. In exceptional circumstances, and upon approval of the prosecutor, the detention period may be prolonged up to 10 days.

### III. RECAPITULATION AND CONCLUSIONS

#### A. Establishments under the authority of the Ministry of Internal Affairs

159. The CPT's delegation received a disturbing number of allegations of physical ill-treatment by members of the Militia. As on previous visits, the allegations concerned in the main operational Militia staff in charge of gathering evidence and involved violence aimed at the extraction of confessions from criminal suspects. A number of allegations were also received of the disproportionate use of force at the time of arrest.

Only a limited number of allegations were received of ill-treatment by investigating officers. However, it was claimed on many occasions that investigating officers were fully aware of the ill-treatment inflicted by operational staff and acquiesced in it.

By contrast, as was the case during previous visits, scarcely any allegations were heard of ill-treatment by custodial staff working in IVS establishments. Further, the delegation received no allegations of physical ill-treatment by staff working in reception and distribution centres.

160. The forms of ill-treatment alleged concerned punches, slaps, kicks and blows with a truncheon, baseball bat or other hard objects, sometimes whilst being handcuffed to a radiator or suspended, whipping with wet towels and beating with plastic bottles filled with water. A few allegations were also received of asphyxiation using a gas mask or plastic bag and the infliction of electric shocks. The ill-treatment alleged was on occasion of such severity that it could be considered as amounting to torture.

A great number of allegations of ill-treatment during interrogation of suspects was received in respect of *Leninskoe District Command of Internal Affairs in Vladivostok*. In several cases, medical members of the delegation observed physical marks or conditions consistent with those allegations. The CPT has recommended that the Russian authorities carry out an independent inquiry into the methods used by Militia staff at that establishment when questioning detained persons.

161. It is clear that much work remains to be done to prevent ill-treatment by the Militia. The CPT has reiterated recommendations made in previous reports as regards professional training for members of the Militia. Further, the Committee has called upon the Russian authorities to make it clear to Internal Affairs staff, and in particular to operational Militia staff in charge of gathering evidence, that the ill-treatment of persons in custody is illegal and will be dealt with severely in the form of criminal prosecution and disciplinary action.

The CPT has once again urged the Russian authorities to introduce a code of conduct for the questioning of criminal suspects, backed up by a training programme for all investigators and operational staff which deals with interview techniques and the gathering of evidence in a professional and ethical manner. First and foremost, the precise aim of the questioning of criminal suspects must be made crystal clear to those concerned: that aim should be to obtain accurate and reliable information in order to discover the truth about matters under investigation; it should not be to obtain a confession from someone already presumed, in the eyes of the interviewing officers, to be guilty or even to extract a "confession" from someone regardless of whether the person concerned is guilty or not.

162. A series of recommendations designed to strengthen formal safeguards against ill-treatment offered to persons deprived of their liberty by the law enforcement agencies (e.g. the rights to inform a third party of one's custody and to have access to a lawyer and a doctor) have been made by the CPT in the past. The information gathered by the delegation during the December 2001 visit suggested that the situation had remained unchanged by comparison with the previous visits. However, the new Code of Criminal Procedure of the Russian Federation which came into effect on 1 July 2002 introduces important and very welcome changes in this area.

The CPT has sought clarification as regards some of the provisions of the new Code, in particular in respect of notification of deprivation of liberty. In the light of information gathered during the 2001 visit, the Committee has also recommended that steps be taken to ensure that *ex officio* lawyers are impartial and independent of the Militia and the prosecuting authorities. Further, the Committee has reiterated the need for the right of access to a doctor to be expressly guaranteed.

Other proposals made by the Committee concern the improvement of custody registers, ensuring the effectiveness of inspection visits by prosecutors and senior Internal Affairs officers to places of detention operated by the Militia, and putting in place an effective complaints system.

163. As regards conditions of detention, none of the *district commands (RUVD) and local divisions of Internal Affairs* visited were equipped with facilities suitable for extended periods of custody; cells were dark, poorly ventilated, dirty and usually devoid of any equipment except a bench. Despite that, persons were on occasion held overnight at such establishments. The CPT has recommended once again that material conditions in, and the use of, cells for administrative detention at district commands and local divisions of Internal Affairs be brought into conformity with the provisions of Ministry of Internal Affairs Order 170/1993.

164. The situation at the *temporary holding facilities for criminal suspects (IVS)* visited varied considerably. The best conditions were observed at the IVS in Komsomolsk-na-Amure, and conditions were also good in the "Aeroport" IVS in Moscow. The rest of the IVS facilities visited exhibited a number of shortcomings: poorly lit and ventilated cells; absence of mattresses and blankets; lack of outdoor exercise. The CPT has proposed a number of specific measures designed to remedy this state of affairs.

165. The delegation gained a generally positive impression of conditions of detention at the *Reception and Distribution Centre No 2 in Moscow*. Nevertheless, the CPT has made several recommendations designed to further improve the situation at the centre.

By contrast, the delegation was very concerned about the situation of foreign nationals held at the *Reception and Distribution Centre No 1 ("Severnyi") in Moscow*. Some of them had spent periods as long as ten months in overcrowded cells, deprived of outdoor exercise and any form of activity, and without any information on their situation. The Russian authorities subsequently informed the CPT that the centre was undergoing refurbishment and detainees were now offered daily outdoor exercise. The Committee has welcomed these developments. It has also recommended that measures be taken without delay in order to offer to foreign nationals held at the "Severnyi" centre a regime of activities worthy of the name and that the possibilities for them to maintain contact with the outside world be reviewed.

**B. Establishments under the authority of the Ministry of Justice**

166. CPT's delegation received no allegations of torture or other forms of physical ill-treatment by staff working at the penitentiary establishments visited.

At *Colony No 12 for women in Zaozernyi*, relations between staff and prisoners appeared to be relaxed. Further, the delegation did not observe any particular difficulties in relations between staff and prisoners at *SIZO No 1 in Vladivostok*; however, the very restrictive nature of the regime meant that the amount of contact between staff and inmates was minimal.

Staff-prisoner relations at *Colony No 8 in Start* and *LIU No 23 in Ussuryisk* were based on a strictly regimented approach, as a result of which the atmosphere at those establishments was rather tense. Allegations were heard at Colony No 8 of verbal abuse by staff and unnecessary roughness during searches.

The CPT trusts that the Directors of the establishments visited will remain vigilant and continue to deliver to their staff the clear message that all forms of ill-treatment of inmates - including verbal abuse - are not acceptable.

167. The use of "special means" was well-documented, and there were no indications of too frequent use of such means. However, there was some evidence to suggest that the use of truncheons was not always proportionate to the alleged breach of regulations committed by the prisoner. The CPT has reiterated its recommendation that the precise situations in which prison officers may use truncheons and other special means be more clearly defined, and that detailed instructions concerning their use be issued. Further, prison managers and prosecutors should be particularly vigilant when examining cases of the use of "special means" and ensure that they are only used when – and to the extent – strictly necessary, and never as a form of physical punishment.

168. As regards conditions of detention, the CPT was pleased to note the progress being made on an issue of great concern for the Russian penitentiary system: overcrowding. The Committee has welcomed the measures taken in recent years by the Russian authorities to address this problem, including instructions issued by the Prosecutor General's Office, aimed at a more selective use of the preventive measure of remand in custody. Nevertheless, the information gathered by the Committee's delegation shows that much remains to be done.

169. *SIZO No 1 in Vladivostok* remained seriously overcrowded, especially the blocks accommodating male remand prisoners. In a number of cells, there were more prisoners than beds, and inmates took turns to sleep. The CPT has recommended that immediate steps be taken to provide every prisoner with his own bed, and that strenuous efforts be made to decrease the overcrowding and to distribute prisoners more evenly within the available accommodation.

Conditions of detention in the "quarantine" unit were so deplorable that they were the subject of an immediate observation under Article 8 (5) of the Convention. The Russian authorities subsequently informed the CPT that the windows in the quarantine cells have been glazed and that detainees held there overnight are now being provided with all the necessary bedding.

Leaving aside the small number of sentenced prisoners employed on maintenance duties, the great majority of adult inmates spent 23 hours a day locked up in their cells with hardly anything to occupy their time. Outdoor exercise was offered on a daily basis to all prisoners. However, the exercise yards were inappropriate for physical exercise, by virtue of both their size and configuration. As to juvenile prisoners, they benefited from a more developed regime of activities which included school classes and access to a common room and a sports hall. The CPT has encouraged the Russian authorities to pursue their efforts to develop out-of-cell activities for inmates.

170. An issue of particular concern for the CPT is access to natural light and fresh air in prisoner accommodation. With the exception of several "privileged" cells, the cells at SIZO No 1 in Vladivostok (including those accommodating TB prisoners) were fitted with shutters which severely restricted the entry of natural light and fresh air. Windows in the cells of the disciplinary units (ShIZO - PKT) at the colonies visited were covered in a similar manner.

As the CPT has stressed repeatedly in its previous reports, natural light and fresh air are basic elements of life which every prisoner is entitled to enjoy. Moreover, the absence of those elements generate conditions favourable to the spread of diseases and, in particular, tuberculosis. Consequently, the Committee has recommended that measures be taken to ensure access to natural light and adequate ventilation in all prisoner accommodation.

171. The three establishments for sentenced prisoners visited - *Colony No 8 in Start, Colony No 12 for women in Zaozernyi, and LIU No 23 in Ussuryisk* - were operating below their official capacities. Nevertheless, the large dormitories containing up to 80 beds were found to hold prisoners in rather cramped conditions. On the other hand, prisoner living areas were in general clean and orderly, well-lit and ventilated, and appropriately heated for the season (except for Colony No 8 in Start, where some of the dormitories were very cold). The CPT has made a series of recommendations designed to address the various shortcomings observed at the establishments as regards material conditions of detention.

At Colony No 12 in Ussuryisk, prisoners had access to a variety of activities, in addition to being provided with work. Regrettably, the situation was not so favourable at Colony No 8 in Start and LIU No 23 in Ussuryisk. The CPT has recommended that the Russian authorities take measures to develop further the range of activities available to prisoners at those establishments. Special attention should be paid to the provision of work to prisoners undergoing compulsory treatment for drug addiction.

172. The situation of prisoner-mothers and their children was examined at Colony No 12 in Zaozernyi. The establishment's Baby Unit offered an appropriate environment and was well-staffed. Further, the arrangements for pre-natal care appeared on the whole to be adequate. However, the majority of the women had apparently been separated from their children after delivery and could see them at only infrequent intervals. In a prison context, the right to motherhood should not be infringed upon more than security considerations and the safety of the child require; good contact between mother and child is in the interest of both of them. Consequently, the CPT has recommended that the Russian authorities take steps to ensure that prisoner-mothers are accommodated together with their babies after delivery and encouraged to breastfeed (unless there are valid medical reasons against that).

173. As to the provision of health care to prisoners, the delegation was impressed by the efforts of health-care staff to provide the best standard of care possible, despite often limited finances, equipment and medication. The CPT has recommended that steps be taken to reinforce the resources of the health-care team at SIZO No 1 in Vladivostok as regards psychiatry and dentistry and to increase the number of nurses at Colony No 8 in Start and Colony No 12 in Zaozernyi.

The regular supply of anti-tuberculosis drugs in sufficient quantities was ensured in the regions visited; this is an important achievement. However, the CPT has recommended that urgent steps be taken to bring the screening of prisoners for tuberculosis in Khabarovsk Territory (and, as appropriate, elsewhere) into compliance with recognised standards in the field of control of tuberculosis, by performing bacteriological tests of sputum samples in addition to other examinations.

The CPT has welcomed the approach towards HIV positive prisoners followed in Khabarovsk Territory. However, it was very concerned to learn that the misconceived practice of ostracising HIV positive prisoners is still being followed in Primorskyi Territory. The Committee has recommended a series of urgent measures to ensure that HIV positive prisoners are not discriminated against on the grounds of their health.

174. The report addresses a variety of other issues (staff; discipline; contact with the outside world; complaints procedures). In particular, the CPT has recommended that steps be taken to improve material conditions in the disciplinary/segregation units of the establishments visited. Further, the Committee has reiterated its recommendation that the Russian authorities review arrangements concerning visits for prisoners; the aim should be to enable all prisoners, including those on remand, to receive visits under reasonably open conditions.

### **C. Psychiatric establishments**

175. The CPT's delegation heard no allegations of deliberate physical ill-treatment of patients by staff at *Vladivostok City Psychiatric Hospital*. A few complaints were heard of occasional rude behaviour and verbal abuse by orderlies. However, on the whole, relations between staff and patients appeared to be free of tension. The Committee has highlighted the professionalism of the hospital's management and of most of its staff, and their determination to provide basic psychiatric care to patients despite extremely difficult circumstances.

176. Patients' living conditions could hardly be considered as acceptable. Despite operating within its official capacity, the Vladivostok hospital was in fact severely overcrowded, to the extent that some male patients slept in the ward corridors. Further, in spite of the management's efforts, the living areas remained austere and impersonal. Problems with access to the toilet were also reported by patients. The CPT has made recommendations on these issues.

177. The treatment provided to patients consisted almost exclusively of pharmacotherapy, and the provision of basic psychiatric medication was currently ensured without interruption. As for other forms of therapy, little was on offer. Further, outdoor exercise on a daily basis was not available to all patients. The CPT has recommended that the Russian authorities strive to develop the possibilities for therapeutic and psycho-social rehabilitation activities at the hospital and ensure that all patients whose state of health so permits are offered daily outdoor exercise.

178. Concerning staff issues, although the psychiatrist/patient ratio was adequate, the very limited number of psychologists, psychotherapists and social workers and the lack of occupational therapists clearly precluded the emergence of a therapeutic milieu based on a multidisciplinary approach. Further, as regards nurses and orderlies, there was a high proportion of vacancies and the current resources were insufficient to meet the needs of the hospital. The CPT has recommended that the Russian authorities take vigorous steps to fill the vacant nursing and orderly posts and reinforce substantially the team of specialists qualified to provide therapeutic and rehabilitation activities.

179. The CPT was concerned to learn that certain patients were on a routine basis employed to help staff in applying physical restraint to other patients. Several patients complained that physical restraint had been applied to them by fellow patients in a painful way. The CPT strongly disapproves of the practice of using patients to assist with the application of physical restraint and has recommended that it be discontinued without delay.

Further, in the light of information gathered, the CPT has recommended that steps be taken to ensure that if, exceptionally, recourse is had to instruments of physical restraint, they are removed at the earliest opportunity. Moreover, every instance of the physical restraint should be recorded in a specific register established for that purpose. The Committee has also recommended that a detailed policy on the restraint of agitated and/or violent patients - including both physical and chemical restraint - be drawn up.

180. The CPT has addressed various issues related to safeguards in the context of involuntary hospitalisation. In particular, the Committee has recommended that steps be taken to ensure that the existing procedures concerning coercive psychiatric treatment and involuntary admission and treatment are duly followed in relation to patients at Vladivostok City Psychiatric Hospital and throughout the Russian Federation. Particular attention should be paid to ensuring observance of the relevant time-limits by courts, as well as of the patients' rights to a hearing and to legal representation.

#### **D. Military detention facilities**

181. The delegation received no allegations of physical ill-treatment by custodial staff in the two garrison disciplinary units ("gauptvachtas") visited in Khabarovsk and Komsomolsk-na-Amure. Overall, although the level of interaction between staff and detainees was low, the atmosphere in the "gauptvachtas" appeared free of tension.

182. Conditions of detention were in many respects analogous to those observed in other military detention facilities at the time of the 2000 visit. Cells had little or no access to natural light, artificial lighting was poor, and ventilation left a lot to be desired. Further, servicemen undergoing disciplinary punishment were not provided with mattresses or blankets at night. The CPT has recommended concrete steps designed to remedy the shortcomings observed. If necessary, a specific decree amending the relevant provisions of the Statute on garrison and sentry service should be adopted.

**E. Action on the CPT's recommendations, comments and requests for information**

183. The various recommendations, comments and requests for information formulated by the CPT are listed in Appendix I.

184. As regards more particularly the CPT's recommendations, having regard to Article 10 of the Convention, the CPT requests the Russian authorities to provide **within six months** a response providing a full account of action taken to implement them.

The CPT trusts that it will also be possible for the Russian authorities to provide in the above-mentioned response reactions to the comments formulated in this report which are listed in Appendix I as well as replies to the requests for information made.

**APPENDIX I**

**LIST OF THE CPT'S RECOMMENDATIONS, COMMENTS  
AND REQUESTS FOR INFORMATION**

**A. Establishments under the authority of the Ministry of Internal Affairs**

**1. Torture and other forms of ill-treatment**

recommendations

- the Russian authorities to carry out an independent inquiry into the methods used by Militia staff at Leninskoe District Command of Internal Affairs in Vladivostok when questioning detained persons (paragraph 17);
- the Russian authorities to implement the recommendations made by the CPT in paragraph 152 of the report on the 1998 visit and paragraph 22 of the report on the 2000 visit, namely that:
  - a very high priority be given to professional training for members of the Militia of all ranks and categories; experts not belonging to the Militia should be involved in this training;
  - an aptitude for interpersonal communication be a major factor in the process of recruiting members of the Militia and that, during the training of such staff, considerable emphasis be placed on acquiring and developing interpersonal communication skills;
  - Militia staff be reminded, through a formal statement from the highest political level, that they should be respectful of the rights of persons in their custody(paragraph 19);
- the Russian authorities to make it clear to Internal Affairs staff, and in particular to operational Militia staff in charge of gathering evidence, that the ill-treatment of persons in custody is illegal and will be dealt with severely in the form of criminal prosecution and disciplinary action (paragraph 19);
- the Russian authorities to issue instructions for the practice referred to in paragraph 20 to cease (paragraph 20);
- the Russian authorities to take effective steps to inform and educate Militia staff of all ranks and functions, but especially investigators and operative staff, on the implications of the rules in the new CCP concerning admissibility of evidence (paragraph 22);

- the Russian authorities to introduce a code of conduct for the questioning of criminal suspects, backed up by a training programme for all investigators and operational staff which deals with interview techniques and the gathering of evidence in a professional and ethical manner (paragraph 23);
- the Russian authorities to issue instructions that the practice of placing "dangerous" suspects or suspects represented by a lawyer in a cage during interviews is to be discontinued forthwith, and cages such as the one seen in Komsomolsk-na-Amure to be removed from Militia establishments (paragraph 24).

#### requests for information

- a report on the findings of the independent inquiry into the methods used by Militia staff at Leninskoe District Command of Internal Affairs in Vladivostok when questioning detained persons, and on the steps subsequently taken (paragraph 17).

## **2. Conditions of detention**

#### recommendations

- the Russian authorities to implement the recommendation made in paragraph 27 of the report on the 1999 visit, that the material conditions in, and the use of, cells for administrative detention at district commands and local divisions of Internal Affairs be brought into conformity with Ministry of Internal Affairs Order 170/1993 on the general conditions and regulations of detention in administrative detention cells. Cells which do not correspond to the requirements of that Order should be withdrawn from service (paragraph 25);
- administrative cells not to be used for accommodating detainees for longer than 3 hours (paragraph 25);
- the Russian authorities to take steps to ensure that the IVS facilities visited by its delegation in Khabarovsk, Moscow and Vladivostok are brought into compliance with the 1996 Regulations establishing the internal rules of Internal Affairs temporary holding facilities for suspects and accused persons. More particularly:
  - persons detained at the IVS facilities of Khabarovsk and Vladivostok Directorates of Internal Affairs to be provided with clean mattresses and blankets;
  - steps to be taken to improve in-cell lighting, ventilation and the state of hygiene and repair of the cells at the IVS facilities of "Filevskiy Park" in Moscow and Khabarovsk and Vladivostok Directorates of Internal Affairs;

- requests from persons detained at the IVS facility at Vladivostok Directorate of Internal Affairs to be allowed to leave their cells for the purpose of using a toilet to be accepted without delay;
- persons detained to be offered food, which is sufficient in quality and quantity, at normal meal times, and drinking water to be available at all times;
- persons detained at the IVS facilities of “Filevskiy Park” in Moscow and Khabarovsk and Vladivostok Directorates of Internal Affairs to be offered outdoor exercise for at least one hour per day  
(paragraph 28);

- steps to be taken at the Reception and Distribution Centre No 2 in Moscow, in order to:

- lower the official capacity of the dormitories; the objective should be to allow at least 4 m<sup>2</sup> of living space per detainee;
- ensure that requests from detained persons to be allowed to leave their cells during the day for the purpose of using a toilet are accepted without delay; the practice of using buckets in the cells should be discontinued;
- enable detainees to have, in addition to a shower on arrival, at least one shower per week during their period of detention;
- provide detained persons with a wider range of personal hygiene items, in addition to soap (e.g. toilet paper, toothpaste, sanitary materials for women's monthly needs);
- ensure that detained persons are offered outdoor exercise for at least one hour per day;
- offer some activities to detainees (e.g. books, radio, etc.) and ensure that they can maintain adequate contact with the outside world

(paragraph 31);

- measures to be taken without delay in order to:

- offer to the foreign nationals detained at the Reception and Distribution Centre No 1 (“Severnyi”) in Moscow a regime of activities worthy of the name, including access to a day room and to radio/television and newspapers/magazines, as well as other appropriate means of recreation (e.g. board games, table tennis). The longer the period for which persons are detained, the more developed should be the activities which are offered to them;
- review the possibilities for foreign nationals to maintain contact with the outside world, and in particular improve their access to a telephone

(paragraph 33).

comments

- the Russian authorities are invited to explore the possibility of introducing differentiated day/night lighting systems in IVS cells (paragraph 29);
- the CPT wishes to stress once again that in those cases where it is deemed necessary to deprive persons of their liberty for a prolonged period under Aliens legislation, they should be accommodated in centres specifically designed for that purpose, offering material conditions and a regime appropriate to their legal situation and staffed by suitably-qualified personnel (paragraph 33).

requests for information

- more details on the Federal Programme for the construction and refurbishment of IVS facilities during the period 2000-2004 (paragraph 28);
- the date of completion of the refurbishment work at the Reception and Distribution Centre No 1 ("Severnyi") in Moscow (paragraph 32);
- confirmation that all foreign nationals detained at the Reception and Distribution Centre No 1 ("Severnyi") in Moscow are offered the possibility of taking at least one hour of outdoor exercise every day, and that information on their situation and prospects for release is provided to them in a language they understand (paragraph 33).

**3. Safeguards against the ill-treatment of persons deprived of their liberty**

recommendations

- the Russian authorities to introduce provisions as regards the power exceptionally to delay notification of detention, in order to more clearly define the precise circumstances in which this power may be exercised, and to make the exercise of the power subject to appropriate safeguards (paragraph 37);
- the Russian authorities to take steps to ensure that *ex officio* lawyers are impartial and independent of the Militia and the prosecuting authorities (paragraph 39);
- the Russian authorities to take steps to ensure that:
  - the right of persons deprived of their liberty by the Militia to be examined by a doctor is expressly guaranteed, including the right to be examined, if the person concerned so wishes, by a doctor of his own choice, in addition to any medical examination carried out by a doctor called by the Militia;

- all medical examinations are conducted out of the hearing and – unless the doctor concerned expressly requests otherwise in a given case – out of the sight of Militia staff;
  - the results of every examination, as well as any relevant statements by the person concerned and the doctor's conclusions, are formally recorded by the doctor and made available to the detainee and his lawyer (paragraph 40);
- the Russian authorities to take immediate steps to ensure that custody registers are properly maintained (paragraph 41);
  - the Russian authorities to take appropriate steps to ensure the effectiveness of inspection visits by prosecutors and senior Internal Affairs officers to places of detention operated by the Militia, in the light of the remarks made in paragraph 42 of the report (paragraph 42);
  - the Russian authorities to take urgent steps to ensure that an effective complaints system is in place and that persons are not dissuaded from having recourse to it; prosecutors should be reminded of their existing responsibilities under Prosecutor General's Order No 31 of 18 June 1997 (paragraph 43).

requests for information

- clarification as to why it was considered necessary to include in section 96 of the new CCP a leeway of 12 hours concerning the notification of deprivation of liberty (paragraph 37);
- a copy of the joint order issued by the Ministries of Internal Affairs and Health concerning medical care in Militia establishments (paragraph 40).

**B. Establishments under the authority of the Ministry of Justice**

**1. Preliminary remarks**

recommendations

- the Russian authorities to implement the recommendations made in previous CPT reports concerning overcrowding, material conditions of detention and regime activities for prisoners (cf. paragraphs 25 and 30 of the report on the 1998 visit, CPT (99) 26; paragraphs 48 and 50 of the report on the 1999 visit, CPT (2000) 7; paragraph 52 of the report on the 2000 visit, CPT (2001) 2) (paragraph 45).

## **2. Torture and other forms of ill-treatment**

### recommendations

- the precise situations in which prison officers may use truncheons and other special means to be more clearly defined, and detailed instructions concerning their use to be issued (paragraph 49);
- prison managers and prosecutors to be particularly vigilant when examining cases of the use of "special means" and to ensure that they are only used when - and to the extent - strictly necessary, and never as a form of physical punishment (paragraph 49).

### comments

- the CPT trusts that the Directors of the establishments visited will remain vigilant and continue to deliver to their staff the clear message that all forms of ill-treatment of inmates - including verbal abuse - are not acceptable (paragraph 47);
- the Russian authorities are urged to reconsider their position as regards the CPT's view that truncheons carried by prison staff should be hidden from view (paragraph 48).

### requests for information

- information about the training that prison staff receive in the use of "special means" and copies of any existing written directives (paragraph 49).

## **3. SIZO N° 1 in Vladivostok**

### recommendations

- at SIZO No 1 in Vladivostok:
  - immediate steps to be taken to provide every prisoner with his own bed;
  - strenuous efforts to be made to decrease the overcrowding and to distribute prisoners more evenly within the available accommodation;
  - measures to be taken to ensure access to natural light and adequate ventilation in all prisoner accommodation;
  - efforts to be made to renovate the prisoner accommodation and ensure an adequate level of hygiene;
  - steps to be taken to ensure that all cells and dormitories are adequately heated;

- prisoners to be guaranteed access to adequate quantities of essential personal hygiene products and cleaning products for their cells;
  - steps to be taken to ensure that prisoners are placed in a position to keep their personal clothing in a clean condition;
  - the small cubicles referred to in paragraph 58 to be withdrawn from service (paragraph 60);
- the Russian authorities to pursue vigorously their efforts to offer work and other organised out-of-cell activities (recreation/association; education; sport) to prisoners at SIZO No 1 in Vladivostok; further, all prisoners, including adult male and female prisoners, should have access to the sports hall in Block 3 (paragraph 64).

comments

- consideration should be given to the construction of more appropriate exercise yards which allow prisoners to exert themselves physically (paragraph 64).

requests for information

- information on the concrete measures taken to ensure that sentenced prisoners are transferred to establishments for the serving of sentences without delay (paragraph 60).

**4. Colony No 8 in the village of Start**

recommendations

- the Russian authorities to:
- make efforts to decrease occupancy levels in the dormitories with the most cramped conditions (e.g. Unit 8), inter alia through a more even allocation of prisoners between the units;
  - take urgent steps to install double glazing in all dormitories;
  - make efforts to refurbish the detention blocks and to improve the equipment and decoration of the dormitories;
  - take steps to improve the state of repair and cleanliness of the sanitary facilities and to ensure that there is a sufficient supply of hot water;
  - supply all prisoners with adequate quantities of personal hygiene products (including toothpaste, toilet paper, etc.);

- take steps to ensure that all prisoners are provided with clothing adapted to the season;
- make serious efforts to improve the quality and quantity of food provided to prisoners  
(paragraph 69);

- the Russian authorities to take measures to further develop the range of activities available to prisoners in Colony No 8 in Start. In particular, serious efforts must be made to involve all prisoners in work, vocational training and education activities. Special attention should be paid to the provision of work to prisoners undergoing compulsory treatment for drug addiction (paragraph 74).

#### requests for information

- more details concerning the plan of measures drawn up by the Directorate for the Execution of Punishments of Khabarovsk Territory aimed at increasing the offer of employment for inmates at Colony No 8 (paragraph 70);
- comments of the Russian authorities on the fact that prisoners accommodated under strict conditions in Unit 11 and those undergoing compulsory treatment for drug addiction were not allowed to work (paragraph 72).

### **5. Colony No 12 for women in the village of Zaozernyi**

#### recommendations

- the Russian authorities to:
  - make efforts to reduce the occupancy levels in the dormitories, the aim being to provide in due course a minimum living space of 4 m<sup>2</sup> per person;
  - take steps to improve the heating, artificial lighting and state of repair of Unit 8, and to ensure that disabled and elderly prisoners have access to adequate sanitary facilities;
  - supply prisoners with adequate quantities of personal hygiene products (soap, toothpaste, toilet paper, sanitary materials for women's monthly needs, etc.);
  - make further efforts to improve the food provided to prisoners  
(paragraph 81);
- the Russian authorities to take steps to ensure that:
  - prisoner-mothers are accommodated together with their babies after delivery and encouraged to breastfeed (unless there are valid medical reasons against that); if necessary, the relevant legislative provisions should be amended;

- subsequently, for so long as the child remains in prison, the prisoner-mother is able to spend an adequate amount of time every day with her child;
- after the child has been placed in care outside prison, there is an ongoing involvement of the prisoner-mother in the upbringing of the child (paragraph 89).

#### comments

- consideration should be given to employing staff capable of assisting disabled and elderly prisoners in Unit 8 (paragraph 81);
- the Russian authorities are invited to strive to further improve the programme of activities offered to inmates at Colony No 12 in Zaozernyi; in particular, consideration should be given to providing more work opportunities and developing the possibilities for sports activities (paragraph 85);
- the Russian authorities are invited to seek to increase the interface and co-operation between staff employed at the Baby Unit of Colony No 12 in Zaozernyi and health-care and other staff working at the colony who are in contact with the prisoner-mothers (paragraph 89).

#### requests for information

- confirmation that measures aimed at the improvement of material conditions at Colony No 12 in Zaozernyi, referred to in paragraph 81 of the report, have been brought to completion (paragraph 81);
- plans aimed at addressing the problem of the poor quality of water used for non-drinking purposes (paragraph 81);
- comments of the Russian authorities on the complaints heard by the delegation from prisoners concerning long working hours at the clothing factory (paragraph 82);
- comments of the Russian authorities on the affirmations that members of the colony's staff were usually present in the delivery room of the city hospital at the time of birth of a prisoner's baby, and that some women had given birth in a prison hospital (paragraph 87).

### **6. Medical-correctional establishment (LIU) No 23 for drug addicts, Ussuryisk**

#### recommendations

- at LIU No 23 in Ussuryisk:
  - efforts to be made to reduce the occupancy levels in the dormitories, the aim being to provide in due course a minimum living space of 4 m<sup>2</sup> per person;
  - steps to be taken to improve the state of repair of the units' sanitary facilities;

- all prisoners to be supplied with adequate quantities of personal hygiene products (soap, toothpaste, toilet paper, etc.);
  - steps to be taken to ensure that all prisoners are provided with blankets and sheets;
  - further efforts to be made to improve the quality and quantity of food provided to prisoners (paragraph 93);
- vigorous measures to be taken to increase the number of prisoners at LIU No 23 in Ussuryisk involved in activities, and efforts to be made to develop the range of activities available. In particular, serious efforts must be made to provide more prisoners with work, preferably of vocational value. Measures need to be taken as a matter of urgency to improve the regime of activities offered to HIV positive prisoners and to reconsider the current policy precluding their employment at the colony (paragraph 96).

## **7. Health-care issues**

### recommendations

- steps to be taken to:
- reinforce the resources of the health-care team at SIZO No 1 in Vladivostok as regards psychiatry and dentistry;
  - increase the number of nurses at Colony No 8 in Start and Colony No 12 in Zaozernyi (paragraph 99);
- the Russian authorities to put an end to the practice at SIZO No 1 in Vladivostok of placing prisoners undergoing different examinations or forms of treatment (and, in particular, those providing blood samples) in barred areas (paragraph 100);
- urgent steps to be taken to ensure that the screening of prisoners for tuberculosis in Khabarovsk Territory (and, as appropriate, elsewhere) is brought into compliance with recognised standards in the field of control of tuberculosis, by performing bacteriological tests of sputum samples in addition to other examinations (paragraph 101);
- immediate measures to be taken to put an end to the practice of transferring back from SIZO to IVS facilities persons diagnosed to have BK + tuberculosis (and hence highly contagious) (paragraph 102);
- steps to be taken immediately to ensure that HIV positive prisoners are not discriminated against on the ground of their health; in particular:
- the barred passage way leading to the outdoor exercise yards for such prisoners at SIZO No 1 in Vladivostok should be dismantled;

- material conditions in the cells accommodating HIV positive prisoners at SIZO No 1 in Vladivostok should be improved;
- access to a dentist should be ensured to HIV positive prisoners at LIU No 23 in Ussuryisk;
- HIV positive prisoners should, in the same way as others, benefit from the recommended improvements in activity programmes at SIZO No 1 in Vladivostok and LIU No 23 in Ussuryisk;
- steps should be taken to improve the level of information, health care and psychological support provided to HIV positive prisoners at SIZO No 1 in Vladivostok and LIU No 23 in Ussuryisk

(paragraph 105);

- urgent steps to be taken at Colony No 8 in Start and Colony No 12 in Zaozernyi to find other, more suitable, accommodation for the purpose of holding temporarily agitated mentally disturbed prisoners. The confinement of such prisoners to a cell should be either expressly ordered by a doctor or immediately brought to the attention of a doctor with a view to seeking his approval. Further, such prisoners should benefit from close staff supervision and support (paragraph 107);
- steps to be taken to ensure that mentally disturbed prisoners who require in-patient psychiatric treatment are transferred without delay to appropriate hospital facilities, where they can enjoy material conditions and treatment regimes equivalent to those provided to civil psychiatric patients (paragraph 107);
- measures to be taken to bring the compulsory treatment of prisoners with drug and alcohol addiction into line with the considerations set out in paragraph 113 of the report (paragraph 113);
- steps to be taken to reinforce substantially the team of specialists involved in the treatment and monitoring of prisoners undergoing compulsory treatment at LIU No 23 and Colony No 8 in Start (paragraph 113).

#### comments

- the CPT would like to stress once again the need for programmes of education and information to both prison staff and inmates about methods of transmission, means of protection, etc. in respect of HIV/AIDS (paragraph 105);
- the CPT wishes to stress once again that a greater involvement of the Ministry of Health and the regional health-care committees in the provision of health-care in the prison system would help to ensure implementation of the fundamental principle of equivalence of health care in prison with that in the outside community (paragraph 106);
- the Russian authorities are invited to improve the system of follow-up after release of persons who have undergone compulsory treatment for drug or alcohol addiction (paragraph 113).

## 8. Other issues of relevance to the CPT's mandate

### recommendations

- the Russian authorities to take steps to improve staffing levels in prisoner accommodation areas of the establishments visited. If necessary, existing staff should be reallocated so as to increase the proportion of staff serving in those areas (paragraph 115);
- the relevant regulations for the whole Russian penitentiary system to be amended so as to guarantee to inmates an oral hearing before the imposition of disciplinary sanctions (paragraph 116);
- the Russian authorities to review the practice of disciplinary isolation at SIZO No 1 in Vladivostok and placements in the ShIZO and PKT cells at Colony No 8 in Start, in order to verify that the sanction imposed is always proportionate to the offence (paragraph 117);
- steps to be taken improve material conditions in the disciplinary/segregation units of Colony No 8 in Start, Colony No 12 in Zaozernyi, SIZO No 1 in Vladivostok and LIU No 23 in Ussuryisk, in the light of the remarks made in paragraphs 118 and 119 of the report; as regards more particularly cell occupancy rates, the objective should be to guarantee at least 4 m<sup>2</sup> per prisoner (paragraph 119);
- the Russian authorities to take steps to ensure throughout the country that prisoners placed in disciplinary cells have access to reading matter (paragraph 119);
- the Russian authorities to take steps to provide a less restrictive regime to inmates who request for their own protection to be held separately from other inmates. Alternative methods for protecting such prisoners might be considered; for example, accommodating them together in a part of the colony where they can be subject to a regime similar to that applying to the majority of the other prisoners but still have a heightened level of personal security (paragraph 120);
- the Russian authorities to review arrangements concerning visits for remand prisoners, in the light of the remarks made in paragraph 121 of the report. If necessary, the relevant laws and regulations should be amended (paragraph 121);
- the visiting facilities at SIZO No 1 at Vladivostok to be enlarged and improved. The aim should be to enable all prisoners, including those on remand, to receive visits under reasonably open conditions; the use of closed visiting facilities should be the exception rather than the rule (paragraph 121);
- the Russian authorities to consider aligning the visiting entitlement for all sentenced prisoners with that applicable to prisoners serving their sentences in a general colony regime (paragraph 122);
- the facilities for short-term visits at Colony No 8 in Start, Colony No 12 in Zaozernyi and LIU No 23 in Ussuryisk to be enlarged and modified, with a view to enabling prisoners to receive visits under reasonably open conditions (paragraph 123);

- the Russian authorities to review the application of complaints procedures, with a view to ensuring that they are operating effectively. If necessary, the existing arrangements should be modified in order to guarantee that prisoners can make complaints to outside bodies on a truly confidential basis (paragraph 125).

requests for information

- information about the completion of the works at LIU No 23 in Ussuryisk and SIZO No 1 in Vladivostok referred to in paragraph 119 (paragraph 119);
- comments of the Russian authorities on the complaints heard by the delegation at SIZO No 1 in Vladivostok and Colony No 12 in Zaozernyi concerning excessive delays in the delivery of incoming and (especially) outgoing prisoners' correspondence (paragraph 124).

**C. Psychiatric establishments**

**1. Preliminary remarks**

recommendations

- the completion of the new high-security psychiatric hospital in Novosibirsk to be given the highest priority (paragraph 126).

comments

- it would be advisable for the Ministry of Health to compile statistics of coercive and involuntary admissions and treatment in psychiatric establishments for the whole Federation, as this could assist it in formulating objectives and priorities for psychiatric health policy (paragraph 127).

requests for information

- a copy of the new Federal Programme of Urgent Measures to Develop Psychiatric Services, to be adopted in the course of 2002 (paragraph 126);
- detailed information on the transport arrangements for psychiatric patients travelling between different parts of the Russian Federation, in order to be admitted to a special psychiatric hospital (paragraph 126).

## 2. Vladivostok City Psychiatric Hospital

### recommendations

- the procedures for the selection of orderlies and both their initial and ongoing training to be reviewed, in the light of the remarks made in paragraph 130 of the report. Further, the management of the hospital should make it clear to such staff that all forms of ill-treatment of patients are unacceptable and will be severely punished (paragraph 130);
- the Russian authorities to:
  - make serious efforts to reduce the overcrowding in the hospital's wards; in particular, immediate steps should be taken to put an end to the practice of accommodating patients in the corridors;
  - take measures to ensure that each patient is provided with full bedding;
  - take steps to ensure that all patient accommodation areas are adequately heated;
  - make efforts to offer more congenial and personalised surroundings for patients, in particular by providing them with lockable space and allowing a reasonable number of personal belongings;
  - take steps to ensure that every patient has the possibility to take a hot shower at least once a week; the central bathroom should be refurbished without delay;
  - make efforts to improve the quality of food provided to patients (paragraph 135);
- steps to be taken without delay to transfer juvenile patients from the hospital to an appropriate psychiatric establishment offering specific programmes for adolescent psychiatry and education (paragraph 136);
- the Russian authorities to strive to develop the possibilities for therapeutic and psycho-social rehabilitation activities at the hospital, in the light of the remarks made in paragraphs 137 and 138 of the report. Immediate steps must be taken to ensure that all patients at the hospital whose state of health so permits are offered daily outdoor exercise (paragraph 138);
- the Russian authorities to take vigorous steps to:
  - fill the vacant nursing and orderly posts;
  - reinforce substantially the team of specialists qualified to provide therapeutic and rehabilitation activities, by increasing the number of psychologists, psychotherapists and social workers, and employing occupational therapists (paragraph 140);

- the practice of security personnel carrying long batons, in full view of the patients, to cease without delay. If it is felt necessary for security personnel at the hospital to carry batons, the latter should be hidden from view (paragraph 141).

#### comments

- the Russian authorities are invited to consider the possibility of transforming the large-capacity dormitories in the hospital into smaller structures (paragraph 135).

#### requests for information

- confirmation that the refurbishment of toilet and washing facilities at the hospital has now been completed, and that patients are no longer obliged to use buckets to satisfy the needs of nature (paragraph 133).

### **3. Means of restraint**

#### recommendations

- the practice of using patients to assist hospital staff with the application of physical restraint to other patients to be discontinued without delay; the restraint of agitated and/or violent patients should be the exclusive responsibility of qualified health-care staff assisted, when necessary, by orderlies (paragraph 142);
- the necessary steps to be taken to ensure that if, exceptionally, recourse is had to instruments of physical restraint, they are removed at the earliest opportunity (paragraph 143);
- every instance of the physical restraint of a patient to be recorded in a specific register established for that purpose, as well as in the patient's file (paragraph 144);
- a detailed policy on the restraint of agitated and/or violent patients – including both physical and chemical restraint – to be drawn up (paragraph 144).

### **4. Safeguards in the context of involuntary hospitalisation**

#### recommendations

- steps to be taken to ensure that the existing procedures concerning coercive psychiatric treatment and involuntary admission and treatment are duly followed in relation to patients at Vladivostok City Psychiatric Hospital and throughout the Russian Federation. Particular attention should be paid to ensuring observance of the relevant time-limits by courts, as well as of the patients' rights to a hearing and to legal representation (paragraph 146);

- an introductory brochure setting out the hospital routine and patients' rights to be devised and issued to each patient on admission, as well as to their families. Any patients unable to understand this brochure should receive appropriate assistance (paragraph 148).

comments

- the Russian authorities are invited to examine the possibilities for improving the conditions under which visits take place at the Vladivostok City Psychiatric Hospital as well as access to a telephone for patients (paragraph 149).

requests for information

- a copy of new Regulations on the "Procedure of conducting compulsory treatment and applying other medical measures to persons with grave mental disorders who have committed socially dangerous acts", prepared by the Ministry of Justice (paragraph 145);
- comments of the Russian authorities on the fact that several voluntary patients with whom the delegation spoke complained that they had not been allowed to leave the hospital when they had expressed a wish to do so (paragraph 147).

**D. Military detention facilities**

recommendations

- the Russian authorities to take steps to:
  - improve access to natural light, artificial lighting and ventilation in all cells at the “gauptvachtas” in Khabarovsk and Komsomolsk-na-Amure;
  - reduce permitted occupancy levels in the multi-occupancy cells at the Khabarovsk “gauptvachta” so as to offer at least 4 m<sup>2</sup> per detainee; further, the existing 4.4 m<sup>2</sup> cells, used for single occupancy, should either be definitively taken out of service or enlarged (preferably to at least 6 m<sup>2</sup>);
  - equip the cells with beds and provide all servicemen detained in the “gauptvachtas” with mattresses and blankets at night;
  - improve the level of cleanliness at the Komsomolsk-na-Amure “gauptvachta”;
  - improve detainees' access to a toilet at the Komsomolsk-na-Amure “gauptvachta” and modify the design of the shower facility;
  - ensure without delay that all detained servicemen are allowed at least one hour of outdoor exercise per day;

If necessary, a specific decree amending the relevant provisions of the Statute on garrison and sentry service should be adopted in order to implement the above-mentioned recommendations (paragraph 156).

requests for information

- the outcome of the endeavours aimed at bringing the legislation on disciplinary punishments vis-à-vis servicemen in line with the international obligations undertaken by the Russian Federation in the field of human rights (paragraph 151);
- in respect of the years 1999, 2000 and 2001, information on:
  - the number and types of complaints of ill-treatment lodged by servicemen detained in "gauptvachtas" in the Russian Federation;
  - an account of sanctions imposed following such complaints (paragraph 152);
- the Russian authorities' comments on the fact that several soldiers had been held in the "gauptvachta" in Komsomolsk-na-Amure beyond the terms for which they had been disciplinary punished (paragraph 154).

**E. Federal Border Service establishments**

requests for information

- a detailed account of the precise steps taken in practice by the Russian authorities to ensure that persons are not sent to a country where there are substantial grounds for believing that they would run a real risk of being subjected to torture or ill-treatment (paragraph 158).

**APPENDIX II**

**LIST OF THE FEDERAL, REGIONAL AND TERRITORIAL AUTHORITIES  
AND NON-GOVERNMENTAL ORGANISATIONS WITH WHICH  
THE CPT'S DELEGATION HELD CONSULTATIONS**

**Federal authorities**

Ministry of Justice

Mr A.G. LUKOMINSKYI	Deputy Director of GUIN
Mr A.V. LEONOV	Deputy Head of the Directorate of SIZOs and prisons
Mr V.V. TROHACHEV	Deputy Head of the Medical Department of GUIN

Ministry of Health

Mr A.S. KARPOV	Head of the Psycho-neurological Assistance Department
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Ministry of Internal Affairs

Mr B.N. ABRASHKIN	Head a.i. of the Department for Ensuring Public Order
Mr O.O. SOKOLOVSKYI	Inspector, International Relations Department
Mr E.N. KHRENOV	Head a.i. of Moscow City Directorate of Internal Affairs

Ministry of Foreign Affairs

Mr O.S. MALGINOV	Deputy Director of the Department for Compatriots' Affairs and Human Rights
Mrs T.I. SULITSKAYA	Head of the European Division, Department for Compatriots' Affairs and Human Rights
Mr V.K. ERMAKOV	1 <sup>st</sup> Secretary, Department for Compatriots' Affairs and Human Rights
Mr A.T. KARAHANOV	1 <sup>st</sup> Secretary, Department for Compatriots' Affairs and Human Rights

Ministry of Defence

Mr V.V. PENDYURIN	Head of Division, General Staff of the Armed Forces
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Federal Security Service

Mr A.Y. ZINOVIEV	Head of Division
Mr V.V. KIRYUSHIN	Head of the Directorate of SIZOs

Federal Border Service

Mr P.I. MISHTENKO	First Deputy Head of the Operative and Search Directorate
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Prosecutor General's Office

Mr O.B. LYSYAGIN Head a.i. of the Directorate for Supervision of the Execution of Sentences  
Mr A.P. KIZLYK Deputy Head of the Main Investigation Directorate

Chief Military Prosecutor's Office

Mr V.P. PASYUK Deputy Head of the Directorate of Organisation and Analysis

Office of the Commissioner on Human Rights

Mr O.O. MIRONOV Commissioner on Human Rights of the Russian Federation  
Mr V.I. SELIVERSTOV Head of the Department of Citizens' Applications  
Mr A.I. LEBEDEV Counsellor of the Commissioner on Human Rights  
Mr R. FEIZUHANOV Head of the International Relations Division  
Mrs O.E. NADEZHINA Head of the Criminal Law Division  
Mr V.V. TAMBOVTSEV Head of the Legal Developments Division  
Mrs E.V. SEREDA Head of the Legal Education Division  
Mr V.P. VOLOSHIN Head of the Mass Media Division

**Territorial authorities**

***Khabarovsk Territory***

Mr B.V. LAZUTKIN Director of Khabarovsk Territory UIN  
Mr V. LONCHAKOV Supervising Prosecutor in Khabarovsk Territory  
Mr V.A. BARANOV Head of Department, Khabarovsk Territory Department of Internal Affairs

***Primorskyi Territory***

Mr V.S. INOZEMTSEV Director of Primorskyi Territory GUIN  
Mr A.V. SIROTYUK Deputy Director of Primorskyi Territory GUIN  
Mr V. BERNATOVICH Head of the Department for Supervision of the Execution of Sentences in Primorskyi Territory  
Mrs G.P. GORSHUNOVA Deputy Director of the Health Department of Primorskyi Territory Administration

**Non-governmental organisations**

Committee of Prisoners' Wives, Vladivostok  
Committee of Soldiers' Mothers of Russia, Moscow  
International Protection Centre, Moscow  
Independent Council of Legal Expertise, Moscow  
Independent Psychiatric Association  
Moscow Centre for Prison Reform  
Serpukhov Society of benefactors for the care of penitentiary establishments

**International organisations**

UNHCR Office for the Russian Federation