

## **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 21 May to 4 June 2012**

The Russian Government has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2013) 42.

Strasbourg, 17 December 2013

**CONTENTS**

<b>Copy of the letter transmitting the CPT's report .....</b>	<b>4</b>
<b>I. INTRODUCTION.....</b>	<b>5</b>
<b>A. Dates of the visit and composition of the delegation .....</b>	<b>5</b>
<b>B. Establishments visited.....</b>	<b>6</b>
<b>C. Consultations held by the delegation and co-operation received .....</b>	<b>7</b>
<b>D. Urgent action requested.....</b>	<b>10</b>
<b>E. Monitoring of places of deprivation of liberty.....</b>	<b>11</b>
<b>II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED .....</b>	<b>13</b>
<b>A. Persons held by the police or other law enforcement agencies .....</b>	<b>13</b>
1. Preliminary remarks .....	13
2. Torture and other forms of ill-treatment.....	15
3. Safeguards against ill-treatment .....	20
4. Conditions of detention .....	25
a. cells at police divisions .....	25
b. temporary detention isolators (IVS).....	26
c. other Internal Affairs establishments .....	28
<b>B. Persons in pre-trial detention or serving sentences .....</b>	<b>31</b>
1. Preliminary remarks .....	31
2. Ill-treatment .....	34
3. Remand prisoners .....	39
a. material conditions .....	40
b. outdoor exercise .....	43
c. out-of-cell activities and contact with the outside world .....	43
4. Sentenced prisoners subjected to a closed-type prison ( <i>tyurma</i> ) regime – visit to Closed-Type Prison No. 2 in Vladimir (“Vladimirskiy Tsentral”) .....	44
5. Prisoners serving sentences under a strict colony regime – follow-up visit to Strict-Regime Correctional Colony No. 1 in Yagul .....	46
6. Sentenced prisoners assigned to pre-trial establishments or closed-type prisons under Section 77 of the Criminal Executive Code .....	48

7.	Prisoners sentenced to life imprisonment.....	49
8.	Health-care services.....	51
	a. introduction .....	51
	b. staff and facilities .....	52
	c. medical examination on admission .....	55
	d. transmissible diseases.....	57
	e. psychiatric and psychological care.....	58
	f. medical records and confidentiality .....	60
9.	Other issues.....	61
	a. staffing issues .....	61
	b. discipline and segregation .....	62
	c. security arrangements.....	67
	d. videosurveillance.....	68
	e. prisoners at risk of self-harm/suicide .....	68
	f. complaints .....	69

<b>APPENDIX I:</b>	<b>List of the CPT’s recommendations, comments and requests for information .....</b>	<b>69</b>
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<b>APPENDIX II:</b>	<b>List of authorities and organisations with which the CPT’s delegation held consultations .....</b>	<b>92</b>
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**Copy of the letter transmitting the CPT's report**

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Ambassador Extraordinary and  
Plenipotentiary  
Permanent Representative of the  
Russian Federation  
to the Council of Europe  
75, allée de la Robertsau  
F - 67000 STRASBOURG

Strasbourg, 3 December 2012

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 21 May to 4 June 2012. The report was adopted by the CPT at its 79<sup>th</sup> meeting, held from 5 to 9 November 2012.

The various recommendations, comments and requests for information formulated by the CPT are listed in Appendix I. As regards more particularly the recommendations set out in paragraphs 28, 33 to 37, 39 to 44, 72, 76, 79 and 91, and having regard to Article 10 of the Convention, the Committee requests the Russian authorities to provide **within three months** information on plans made for their implementation. Further, the CPT requests the Russian authorities to provide **within six months** a response giving a full account of action taken to implement all of the recommendations listed in Appendix I.

The CPT trusts that it will also be possible for the Russian authorities to provide, in the above-mentioned six-month response, reactions to the comments formulated in this report as well as replies to the requests for information made. As regards more specifically the request for information made in paragraph 129, the CPT has requested the Russian authorities to reply **within three months**.

The CPT would ask, in the event of the responses being forwarded in the Russian language, that they be accompanied by an English or French translation.

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

Yours sincerely

Latif Hüseyinov  
President of the European Committee for  
the Prevention of Torture and Inhuman  
or Degrading Treatment or Punishment

## I. INTRODUCTION

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

1. In pursuance of 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 21 May to 4 June 2012. The visit formed part of the Committee's programme of periodic visits for 2012, and was the CPT's sixth periodic visit to the Russian Federation.<sup>1</sup>

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

- Lətif HÜSEYNOV, President of the CPT (Head of Delegation)
- Djordje ALEMPIJEVIĆ
- Marija DEFINIS-GOJANOVIĆ
- Marzena KSEL
- James McMANUS
- Nadia POLNAREVA

who were supported by the following members of the CPT's Secretariat:

- Johan FRIESTEDT
- Borys WÓDZ, Head of Division.

They were assisted by:

- Michael KELLETT, former Detective Chief Inspector in the Lancashire Constabulary, United Kingdom (expert)
- Galina ERMAKOVA (interpreter)
- Stanislav KULD (interpreter)
- Nikolay NADTOCHIY (interpreter)
- Leonid VEKSHIN (interpreter)
- Dmitry ZAITSEV (interpreter).

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<sup>1</sup> The first periodic visit took place in September 1999, the second in September/October 2000, the third in December 2001, the fourth in June 2005 and the fifth in September/October 2008. To date, only the report on the third periodic visit, as well as the response of the Russian Government, have been made public at the request of the Russian authorities (see documents CPT/Inf (2003) 30 and CPT/Inf (2003) 31).

**B. Establishments visited**

3. The delegation visited the following places of deprivation of liberty:

Police establishments

*Moscow Region*

- Babushkinskiy District Police Division, North-Eastern Administrative District, Moscow
- Bibirevo District Police Division, North-Eastern Administrative District, Moscow

*Leningrad Region*

- Police Division No. 10, Nevskiy District, Saint Petersburg
- Police Division No. 13, Krasnogvardeyskiy District, Saint Petersburg
- Police Division No. 15, Kalininskiy District, Saint Petersburg
- Police Division No. 22, Krasnogvardeyskiy District, Saint Petersburg
- Petrogradskiy District Temporary Detention Isolator (IVS), Saint Petersburg
- Krasnogvardeyskiy District IVS, Saint Petersburg

*Republic of Bashkortostan*

- Police Division No. 4, Leninskiy District, Ufa
- Police Division No. 5, Ordzhonikidzerskiy District, Ufa
- IVS of Police Division No. 5, Ufa
- IVS of Ufa Internal Affairs Directorate
- Special Reception Centre for Persons under Administrative Arrest, Ufa
- Temporary Detention Centre for Juvenile Offenders, Ufa

*Republic of Tatarstan*

- Police Division No. 9 (former "Dalniy" Police Division), Privolzhskiy District, Kazan
- "Promyshlenniy" Police Division No. 10, Privolzhskiy District, Kazan
- Anti-Organised Crime Division of the Ministry of Internal Affairs of the Republic of Tatarstan, Kazan
- IVS No. 1 of Kazan Internal Affairs Directorate
- IVS No. 2 of Kazan Internal Affairs Directorate

*Republic of Udmurtia*

- Special Reception Centre for Persons under Administrative Arrest, Izhevsk
- Police Division No. 3, Pervomayskiy District, Izhevsk

*Vladimir Region*

- IVS, Gus-Khrustalnyi
- IVS, Vladimir

### Penitentiary establishments

- Investigative Isolator (SIZO)<sup>2</sup> No. 4, Moscow
- SIZO No. 1 (“Kresty”), Saint Petersburg
- Federal-purpose SIZO No. 3, Saint Petersburg
- SIZO No. 1, Kazan
- SIZO No. 1, Ufa
- Closed-Type Prison No. 2 (“Vladimirskiy Tsentral”), including the pre-trial unit (PFRSI)<sup>3</sup> located on its premises, Vladimir
- Strict-Regime Correctional Colony No. 1, including the PFRSI located on its premises, Yagul.

The delegation also visited the construction site of the future “Kresty 2” SIZO near Saint Petersburg. Further, it interviewed in private certain prisoners at Colony No. 8 in Khokhryaki (Republic of Udmurtia).

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

4. In the course of the visit, the CPT’s delegation held consultations with Aleksandr GOROVOY, First Deputy Minister of Internal Affairs, Aleksandr SMIRNOV, Deputy Minister of Justice, and Aleksandr BASTRYKIN, Chairman of the Investigative Committee of the Russian Federation. It also had consultations with senior officials from the various Ministries and Services concerned, including the Federal Service for the Execution of Sanctions (FSIN) and the General Prosecution Service. Further, the delegation had meetings with representatives of the Office of the Human Rights Commissioner of the Russian Federation, as well as members of the Council of the Civic Chamber of the Russian Federation.

The CPT deplores the fact that its delegation was not able to meet senior representatives of the Federal Security Service (FSB) in Moscow, despite a request made well in advance of the visit. The reason advanced for this refusal to engage with the delegation (namely that the FSB has no detention facilities) is entirely unconvincing. It is indisputable that persons may be deprived of their liberty in establishments under the authority of the FSB, in particular FSB Border Service holding facilities and FSB Directorates<sup>4</sup>. **The Committee trusts that, in the future, its visiting delegations will be in a position to meet and hold constructive talks with the FSB leadership.**

As for the subjects of the Russian Federation<sup>5</sup> visited, the CPT’s delegation had a helpful and informative meeting with senior representatives of the relevant regional authorities and services in Saint Petersburg. The Committee deeply regrets that, despite repeated requests made as from the time of the first notification of the visit, no such meetings were organised for the delegation with representatives of the republican-level authorities and services in Kazan and Ufa.<sup>6</sup>

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<sup>2</sup> СИЗО - Следственный изолятор.

<sup>3</sup> ПФРСИ - Помещение, функционирующее в режиме следственного изолятора.

<sup>4</sup> It should be recalled that during previous visits to FSB regional directorates in 2005 and 2008, the CPT delegations were shown interrogation rooms and offices where persons were/may be deprived of their liberty.

<sup>5</sup> The Russian Federation is composed of 83 subjects (i.e. Republics, territories, regions, cities of federal importance, an autonomous region and autonomous areas).

<sup>6</sup> In Ufa, the delegation did succeed in arranging some of these meetings upon its own initiative.

5. The delegation met members of the public monitoring commissions for the city of Moscow and Moscow Region, Saint Petersburg and Leningrad Region, and the Republics of Bashkortostan, Tatarstan and Udmurtia, as well as for Vladimir Region. In addition, meetings were held with representatives of several non-governmental organisations active in areas of concern to the CPT, namely the All-Russian Public Movement “For Human Rights”, the Committee Against Torture, the Moscow Centre for Prison Reform and the Moscow Helsinki Group.

A list of authorities and organisations with which the CPT’s delegation held consultations is set out in Appendix II to this report.

6. The co-operation received by the delegation at *establishments under the authority of the Ministry of Internal Affairs* could at best be described as uneven.

While in many cases the delegation enjoyed rapid access to police establishments and could have private interviews with the persons detained and consult the relevant documentation, delays and obstacles were encountered on a number of occasions (e.g. in the two police divisions visited in Moscow, at Police Division No. 22 and in the IVS of the Krasnogvardeyskiy District in Saint Petersburg, and in the IVS in Vladimir). This resulted from the fact that staff had apparently not received prior information about the possibility of a CPT visit and about the Committee’s mandate and powers, including the right of immediate and unrestricted access to these facilities (i.e. without the need to obtain a prior authorisation from a senior officer and without the requirement of being accompanied by a representative of the Ministry of Internal Affairs). In one police station (namely, Bibirevo District Police Division in Moscow), senior police officials refused to provide any basic information on matters falling within the Committee’s mandate.

Further, as had been the case during the previous visits to the Russian Federation, the lists of places of detention provided by the Ministry of Internal Affairs were out-of-date and incomplete (in particular, the police divisions were not included in the list).

7. As regards *establishments under the authority of the Ministry of Justice’s Federal Service for the Execution of Sanctions (FSIN)*, the delegation generally enjoyed prompt access to the facilities visited. Further, it could consult the relevant documentation and was able to speak to prisoners in private.

That said, the delegation was obliged to wait for some 45 minutes before being granted access to the Closed-Type Prison No. 2 in Vladimir (“Vladimirskiy Tsentral”), on the morning of 22 May 2012. It appeared that the establishment’s management was not aware of the CPT’s mandate and powers, and refused to allow the delegation to enter before obtaining clearance from the federal authorities in Moscow.

Further, at SIZO No. 1 in Kazan and SIZO No. 1 in Ufa, the delegation was initially given misleading information, in particular on the time of the closure of one of the detention blocks in Kazan SIZO and the extent of the overcrowding in certain parts of Ufa SIZO.

It is of particular concern to the CPT that at SIZO “Kresty” in Saint Petersburg, SIZO No. 1 in Ufa and Colony No. 1 in Yagul, staff attempted to discover what interviewed prisoners had said to the delegation (reportedly through subsequent questioning by FSIN staff or by other inmates on behalf of FSIN staff). At Colony No. 1 in Yagul, the delegation also learned that staff had attempted to intimidate certain inmates interviewed by the delegation after it had left the establishment on the first day of the visit.

8. In previous visit reports, the CPT has already drawn the Russian authorities' attention to shortcomings such as those described in paragraphs 6 and 7 above, and has repeatedly urged them to comply with the provisions of the Convention. **The CPT once again calls upon the Russian authorities to take the necessary measures to act in full compliance with the principle of co-operation enshrined in Article 3 of the Convention and to provide all the facilities referred to in Article 8, paragraph 2, of the Convention. This involves, *inter alia*: the provision of full lists of all places where persons may be deprived of their liberty; ensuring that visiting delegations enjoy unlimited access to such places, are provided with all the information available for the carrying out of their task and are supplied on time with credentials which clearly spell out the Committee's mandate and powers; disseminating relevant information to all the authorities and staff concerned.**

Further, **the CPT must again stress that the principle of co-operation encompasses the obligation to provide accurate information to the Committee and refrain from deceptive action of the kind referred to in paragraph 7 above.**

**The CPT also wishes to underline once again that prisoners with whom a delegation speaks should not subsequently be interviewed by FSIN staff or other inmates on behalf of FSIN staff. Attempts to discover what interviewed persons have said to the delegation are in clear violation of the obligations of Parties to the Convention.**

As concerns intimidatory/retaliatory action against inmates interviewed, the delegation requested that urgent measures be taken (see paragraph 11).

9. With regard to steps taken to implement the CPT's recommendations, the Committee notes that there are some encouraging signs, such as the ongoing efforts to upgrade material conditions in IVS facilities and in FSIN establishments (both for sentenced prisoners and inmates on remand). However, the 2012 visit revealed that long-standing recommendations at the core of the Committee's mandate – the prevention of torture and other forms of deliberate ill-treatment – remain to be implemented. This is particularly the case of the ill-treatment of persons detained by the police and other law enforcement agencies and legal safeguards against ill-treatment by law enforcement officials. Further, the ill-treatment of inmates serving sentences and the detention regime of remand prisoners continue to be areas of serious concern.

The CPT wishes to emphasise that this persistent failure to improve the situation in the light of the Committee's recommendations could well oblige it to consider having recourse to Article 10, paragraph 2, of the Convention<sup>7</sup>. **The CPT calls upon the Russian authorities to take decisive steps, on the basis of detailed action plans, to address the issues raised by the Committee in respect of the above-mentioned areas of serious concern. The Committee would like to receive, within three months, information on action envisaged to implement the recommendations set out in paragraphs 28, 33 to 37, 39 to 44, 72, 76, 79 and 91.**

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<sup>7</sup> "If the Party fails to co-operate or refuses to improve the situation in the light of the Committee's recommendations, the Committee may decide, after the Party has had an opportunity to make known its views, by a majority of two-thirds of its members to make a public statement on the matter."

**D. Urgent action requested**

10. On 4 June 2012, the CPT's delegation met 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 several urgent requests.

The first urgent request concerned the holding cells at Saint Petersburg Police Division No. 10 and Ufa Police Division No. 5, which were extremely dilapidated and dirty. The delegation asked for confirmation, within one month, that these holding cells had been withdrawn from service pending refurbishment.

11. The delegation requested that specific measures be taken at the highest level to prevent any intimidating or retaliatory action against inmates during and after CPT visits to penitentiary establishments, including through a firm message to all staff concerned that any such action will be severely punished.

Further, the Russian federal authorities were urged to take effective action to stamp out all ill-treatment of inmates by staff at Colony No. 1 in Yagul.

The delegation also requested information on plans to relocate SIZO No. 1 in Ufa, as well as more details about the future relocation of SIZO No. 1 in Kazan.

As regards prison health care, the delegation stressed the need for urgent measures to remedy the situation found in the TB ward of SIZO No. 1 in Ufa, starting with the setting-up of a genuine ground-level exercise area for sick prisoners, with access allowed for at least two hours per day. In addition, it called for the immediate removal of barred areas and cages in the prison health-care facilities visited.

The delegation asked to be provided with detailed information on action taken with regard to the above-mentioned points within two months.

12. The above-mentioned urgent requests were subsequently confirmed in a letter of 13 June 2012 from the President of the CPT.

By letters of 23 July and 29 August 2012, the Russian authorities informed the CPT of the measures taken in response to the delegation's requests. The Committee will consider those measures later in this report.

**E. Monitoring of places of deprivation of liberty**

13. Mechanisms for the monitoring of places of deprivation of liberty in the Russian Federation have been reinforced over recent years. In addition to regular inspections carried out by supervising prosecutors and visits by local human rights commissioners,<sup>8</sup> public monitoring commissions (PMCs) had been set up in 79 of the 83 subjects of the Russian Federation since the entry into force, in October 2008, of Federal Law No. 76-FZ “On public control over the observance of human rights in places of detention and about assistance to persons in places of detention”.

In the report on its 2010 ad hoc visit, the CPT stressed that the establishment of such commissions was an important step forward. The delegation’s findings during the 2012 visit confirmed this positive assessment. Many of the delegation’s interlocutors, including police officers and FSIN officials, considered that the work of PMCs had contributed to the improvement of the situation in the establishments visited. Some were also of the view that these commissions paved the way for a future ratification of the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and the establishment of a national preventive mechanism. **The CPT encourages the Russian authorities to sign and ratify the OPCAT.**<sup>9</sup>

14. At the same time, the delegation observed that little progress had been made to ensure the independence and safety of PMC members. In particular, the lack of appropriate budgetary resources, the predominance of former law enforcement officials in the composition of the PMCs operating in some regions and cases of certain PMC members reportedly being the subject of retaliation by the police or other agencies remain a cause for concern to the CPT.

Further, PMCs continue to be required to give prior notice of their planned visits to the relevant authorities. The delegation was told by several inmates interviewed in FSIN establishments visited that they had been warned not to complain prior to a visit of a local PMC representative. It also emerged that PMC members had to talk to certain inmates through bars and/or in the presence of staff in some penitentiary establishments. In addition, the delegation received complaints that PMC members had been refused access to certain particular law enforcement, military or FSIN establishments.

**The CPT recommends that the Russian authorities make available the necessary resources for the functioning of the public monitoring commissions and take determined action i) to ensure the independence and safety of members of these commissions, ii) to guarantee their unrestricted access to all places of deprivation of liberty and iii) to ensure that persons deprived of their liberty can always be interviewed in private by members of the commissions and under conditions which respect the dignity of both the interviewees and the interviewers. If necessary, the relevant legal provisions and/or instructions should be amended.**

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<sup>8</sup> The delegation was informed that, as of May 2012, regional human rights commissioners were established in 67 subjects of the Russian Federation.

<sup>9</sup> See also the 22<sup>nd</sup> General Report on the CPT’s Activities (2011 – 2012) as well as [Resolution 1808 \(2011\)](#) of the Parliamentary Assembly of the Council of Europe, adopted on 14 April 2011, on strengthening torture prevention mechanisms in Europe.

In addition, **the Committee recommends that staff working in places of deprivation of liberty receive the clear message that any kind of threats or intimidating action against inmates aimed at preventing them from making complaints to PMC representatives during their visit will be severely punished.**

15. In the course of the 2012 visit, the delegation was informed that – although, theoretically, obstructing the work of PMC members was considered an administrative offence – the enforcement of an appropriate administrative sanction in respect of Internal Affairs, Federal Drug Control Service and Federal Security Service staff was rendered impossible by their legal status (apparently equivalent to that of military personnel). **The CPT would like to receive clarification from the Russian authorities on this issue.**

16. The CPT is pleased to note that supervising prosecutors continued to monitor on a regular basis the situation in many establishments visited and generally obtained results in the implementation of their specific demands for remedial action.

However, the examination of several reports drawn up by prosecutors and the relevant correspondence revealed that prosecutors mainly focussed on technical matters and rarely on the treatment of inmates by staff or fellow inmates. Further, during their visits to the detention areas, they were apparently accompanied by staff and did not seek to have private interviews with the inmates<sup>10</sup>.

More generally, it appeared during the visit that supervising prosecutors had to face a lack of trust among persons deprived of their liberty in many regions visited. Most prisoners interviewed in FSIN establishments did not perceive supervising prosecuting authorities as impartial and considered that complaining to them would at best serve no purpose and at worst might have negative consequences for them.

**The CPT recommends that the attention of supervising prosecutors be drawn to the need for exercising extra vigilance and adopting a more proactive approach in order to make sure that no case of ill-treatment goes unnoticed.** This will imply in particular that prosecutors enter into direct contact with inmates and interview them in private instead of only speaking with those inmates who request a meeting.

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<sup>10</sup> The delegation was informed that they only carried out private interviews with detained persons/prisoners who made specific requests for a meeting with them.

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

### A. Persons held by the police or other law enforcement agencies

#### 1. Preliminary remarks

17. After the previous periodic visit to the Russian Federation in 2008, the Russian authorities, upon the initiative of the President of the Russian Federation<sup>11</sup>, engaged on a reform of the Ministry of Internal Affairs designed to improve the work of Internal Affairs bodies and to regain the trust of citizens. The reform *inter alia* aimed at reducing the number of Internal Affairs staff, increasing staff salaries, implementing anti-corruption measures, improving the selection and professional training of Internal Affairs staff, and reinforcing police accountability.

The 2010 ad hoc visit to the Russian Federation provided an opportunity to discuss, within the framework of this reform, the implementation of long-standing recommendations made by the CPT, including the introduction of more rigorous recruitment procedures and the development of professional training for law enforcement officials and measures to combat police impunity, as well as the reinforcement of fundamental safeguards against ill-treatment.<sup>12</sup>

The reform process included a review of the legislative and regulatory framework. Certain parts of the criminal legislation were amended in 2010<sup>13</sup> and a Federal Law on the Police (replacing the Federal Law on the Militia) was adopted in February 2011<sup>14</sup>. In parallel, the Ministry of Internal Affairs took organisational measures as well as steps aimed at improving police training. Nevertheless, many interlocutors, including police officials, met during the 2012 visit felt that the police reform had been a missed opportunity with regard to torture prevention.

The death of Sergey Nazarov in March 2012 allegedly as a result of severe police ill-treatment (including sexual violence) at “Dalniy” Police Division No. 9 in Kazan (Republic of Tatarstan) and the many other cases which surfaced during the subsequent public outcry come as a serious reminder that much remains to be done in this field in the Russian Federation. There was a consensus among many of the delegation’s interlocutors that the Nazarov case was an illustration of a pattern rather than an isolated incident of serious police abuse. The CPT shares this view (see paragraphs 21-27).

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<sup>11</sup> Particular reference should be made to Presidential decrees of 24 December 2009 “On measures to improve the functions of the Internal Affairs bodies” and of 18 February 2010 “On measures to reform the Ministry of Internal Affairs”.

<sup>12</sup> See Section II.B of the report on the 2010 visit to the Russian Federation (CPT (2010) 46).

<sup>13</sup> In their response to the report on the 2010 visit, the Russian authorities *inter alia* referred to Federal Law No. 155-FZ of 22 July 2010 amending the Criminal Code and the Code of Criminal Procedure, which entered into force on 10 August 2010 (CPT (2010) 95).

<sup>14</sup> Federal Law No. 3-FZ of 7 February 2011 on the Police was published in the Official Gazette on 8 February 2011 and entered into force on 1 March 2011.

18. The examination of custody records during the 2012 visit indicates that the legal time-limits on police custody were generally respected.<sup>15</sup> Nevertheless, the delegation received several allegations from persons claiming to have been initially kept (and interviewed about criminal offences) by operational officers for periods ranging from several hours to two days (e.g. as “witnesses” or as “persons suspected of having committed administrative offences”) before an appropriate protocol of detention was drawn up.<sup>16</sup> The delegation’s interviews with some police officials gave credence to these allegations. Such practices clearly entail a heightened risk of ill-treatment, undermining as they do the safeguards inherent in the criminal procedure.

**The CPT recommends that senior police and other law enforcement officials, Investigative Committee officials, prosecutors and judges be particularly vigilant as to the possible exploitation by law enforcement operational staff of the provisions on interviews of witnesses and administrative detention to circumvent the legal time-limits and safeguards in respect of the police custody of criminal suspects.**

19. It appeared during the 2012 visit that the periods of stay in IVS of criminal suspects/persons remanded in custody had been reduced to a few days on average. However, the CPT’s delegation observed that returns of remand prisoners from SIZOs/PFRSIs to IVS facilities in order to participate in investigative activities continued to be fairly frequent<sup>17</sup>. The delegation also came across several cases of particularly long stays in police detention before transfer/return to a FSIN establishment.<sup>18</sup>

The CPT must emphasise that, in the interests of the prevention of ill-treatment, the sooner a person remanded in custody passes into the hands of a custodial authority which is functionally and institutionally separate from the police or other law enforcement agencies, the better. **The Committee recommends that the Russian authorities ensure that persons remanded in custody are promptly transferred to a FSIN establishment. Any further questioning by law enforcement officials which may be necessary should as far as possible be carried out in a FSIN establishment. The return of remand prisoners to law enforcement establishments should be sought only when there is absolutely no other alternative and for the shortest time possible, and be subject to authorisation by a judge, a prosecutor or an Investigative Committee official.**

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<sup>15</sup> It should be recalled that *persons suspected of having committed a criminal offence* may be held by a law enforcement agency for a period of up to 48 hours, within which time they must be brought before a judge deciding on the application of the measure of remand in custody, other procedural preventive measures or release. In certain circumstances, the judge may prolong the detention by the police by a further 72 hours before taking a final decision (see Sections 10 (1) and 108 (7) 3) of the Code of Criminal Procedure). *Persons suspected of having committed an administrative offence* may be held by a law enforcement agency for up to three hours. Persons facing trial in connection with certain offences (e.g. violation of the border regime, petty hooliganism) may be detained for up to 48 hours (see Section 27.5 of the Code of Administrative Offences). If found guilty, they may be sentenced to “administrative arrest” of up to 15 days (see Section 3.9 of the Code of Administrative Offences).

<sup>16</sup> Pursuant to Section 92 (1) of the Code of Criminal Procedure, a protocol of detention must be drawn up within three hours as from the moment the suspect is brought to the body of inquiry or an investigator.

<sup>17</sup> For example, there had been 89 such transfers from SIZO No. 1 in Saint Petersburg (“Kresty”) in the week preceding the delegation’s visit, and 213 transfers to IVS from SIZO No. 1 in Ufa in the period between 1 and 29 May 2012; it is also noteworthy that the delegation was told at the IVS of Police Division No. 5 in Ufa that approximately 30% of all the persons detained in this facility at any given time were returnees from SIZOs.

<sup>18</sup> For instance, stays of up to 20 days were recorded in IVS No. 1 in Kazan.

20. In the course of the 2012 visit, the delegation again received allegations of corrupt practices by law enforcement officials, in particular police operational officers, e.g. asking detained persons or their relatives for money in order to arrange release. **The CPT recommends that the Russian authorities continue to deliver to all law enforcement officials, including through ongoing training, the clear message that those who abuse their position in order to obtain money or other advantages from persons deprived of their liberty or their relatives will be the subject of appropriate sanctions.** Reference can also be made to the recommendations of the Council of Europe's Group of States against Corruption (GRECO).<sup>19</sup>

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

21. In Moscow and Saint Petersburg, most of the detained persons interviewed had no complaints about the manner in which they were treated by law enforcement officials. However, the delegation did receive some allegations of recent physical ill-treatment by members of law enforcement agencies in both cities. The ill-treatment alleged (consisting mainly of punches, kicks and baton blows) was mostly said to have occurred at the time of apprehension by plainclothes operational officers, after the apprehended persons had been brought under control. In several cases, the officers apparently did not identify themselves as members of law enforcement agencies until they were inside their vehicle. In certain cases, the alleged ill-treatment was said to have been inflicted at the time of the initial interviews by operational officers, with the purpose of extracting a confession or obtaining other information. In one such instance, which concerns Moscow North-Eastern Administrative District, the severity of the ill-treatment alleged was such that it could be considered as amounting to torture (i.e. extensive beating and asphyxiation with a plastic bag).

The delegation also received two allegations of recent physical ill-treatment of remand prisoners by law enforcement officials in Moscow, in the course of their transfer from the SIZO to court in the first case, and within the court holding facilities while awaiting their transfer back to the SIZO in the second case. In the first instance, the inmate (who denied any provocative behaviour) was allegedly punched, whilst handcuffed, at the SIZO entrance. In the second instance, the prisoner claimed that he was beaten (whilst handcuffed) by several law enforcement officials in one of the cells of Moscow City Court's holding facility and then received more than ten electric shocks with stun batons.

In Moscow, the delegation also received some allegations of unduly tight handcuffing of detained persons while they were being escorted by police officers.

22. Although the delegation's visit to the Republic of Udmurtia was not primarily focussed on the treatment of persons held by law enforcement officials, the delegation received several accounts of recent physical ill-treatment, mainly at the time of initial interviews by operational officers in order to obtain various statements or to persuade the persons in question to act as informants. The alleged ill-treatment generally consisted of punches, kicks and blows inflicted with water-filled plastic bottles. In a few instances, reference was made to asphyxiation with a gas mask.

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<sup>19</sup> See GRECO's evaluations on this Website : [www.coe.int/greco](http://www.coe.int/greco)

23. In the Republics of Bashkortostan and Tatarstan, as well as in the Vladimir Region, the delegation heard numerous allegations of recent physical ill-treatment of persons, including juveniles, held by law enforcement officials. These allegations related in particular to the time of initial interviews by operational officers. In a number of instances, the alleged ill-treatment was of such a severity as to amount to torture: infliction of electric shocks; asphyxiation with a gas mask<sup>20</sup> or a plastic bag; extensive beating whilst handcuffed to a fixed object and/or blindfolded; forcing a person to bend on the chair in a foetus-like position, handcuffed behind his back, and placing a heavy object on his back – a method referred to as ‘*televizor*’; infliction of burns to the genitals.<sup>21</sup> Most of the persons who indicated that they had not been ill-treated during initial interviews generally attributed this to the fact that they had been apprehended in *flagrante delicto* or had quickly signed the statements expected from them by law enforcement officials.

In the Vladimir Region, several persons interviewed also complained of beatings by Internal Affairs special forces intervening in Gus-Khrustalnyi IVS during the night of 12/13 December 2011. The alleged ill-treatment referred to punches, kicks and baton blows in the cells, corridors and investigation rooms (with a plastic bag being placed over the head in one such case).

24. In all the regions visited, mention was also made of threats of being physically ill-treated<sup>22</sup> or executed (the absence of recording of their detention being emphasised to the persons concerned), of being placed in a cell with prisoners referred to as “roosters”<sup>23</sup> or of repercussions for family members (including possible ill-treatment).

25. In a number of instances in Saint Petersburg, the Republics of Bashkortostan and Tatarstan and Vladimir Region, the delegation’s doctors directly observed lesions consistent with the allegations made and/or found medical evidence supporting the detained persons’ allegations in the documentation consulted.

26. It should be stressed that, in most of the regions visited, the only law enforcement agency subject of allegations of ill-treatment was the police. Nevertheless, in the Republic of Bashkortostan, and to a lesser extent in the Vladimir Region (Gus-Khrustalnyi district), some allegations related to the Federal Drug Control Service (FSKN) as well as, concerning the Republic of Bashkortostan, the Federal Security Service (FSB).

In the Republic of Tatarstan, the delegation heard a number of accounts that local investigators of the Investigative Committee of the Russian Federation were fully aware of resort to ill-treatment. In the Republic of Bashkortostan, in two cases, local investigators of the Investigative Committee of the Russian Federation were reportedly involved in alleged beatings.

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<sup>20</sup> In this connection, the delegation found gas masks which were unlabelled and not in a container in the offices of Internal Affairs operational officers in the Republic of Tatarstan.

<sup>21</sup> As regards the Republic of Tatarstan, the majority of the allegations received concerned periods preceding the alleged ill-treatment and death of Sergey Nazarov in March 2012.

<sup>22</sup> These included threats of being treated in the same way as Sergey Nazarov in Kazan in March 2012 and other threats of sexual violence, as well as threats of electroshocks being inflicted. In a few cases, these threats were allegedly substantiated by showing videorecordings of severe physical ill-treatment of other detained persons.

<sup>23</sup> “Roosters” (“*nemyxu*”) are a caste of “untouchables” in the informal hierarchy among prisoners in FSIN establishments. Such persons are rejected by the other inmates for various reasons (e.g. for having suffered sexual abuse or committed sex offences, or simply for having been in contact with other so-called “roosters”) and are considered to run a greater risk of being ill-treated by other prisoners.

That said, the CPT would also like to place on record the fact that the delegation received hardly any recent allegations of ill-treatment by staff working in police IVS facilities, special reception centres and the temporary detention centre for juveniles visited.

27. In its report on the previous periodic visit in 2008, the CPT indicated that, if police ill-treatment remained unchallenged, it could easily become an almost accepted feature of operating police practice. The Committee again stressed the importance of driving change from the top.

A little less than four years later, notwithstanding the recent efforts to reform Internal Affairs structures, the frequency and consistency of the allegations received by the CPT's delegation during the 2012 visit suggest that methods of severe ill-treatment/torture continue to be used on a frequent basis by police and other law enforcement officials, in particular outside Moscow city and Saint Petersburg. It is clear that decisive action, bringing together in a joint effort all relevant State agencies, is needed to combat this phenomenon. In this context, many of the delegation's interlocutors, including police officials, demonstrated previously unseen levels of determination to combat ill-treatment by law enforcement officials, but were also clearly aware of the challenges ahead, at least in certain parts of the Federation (and not only the North Caucasian Federal District).

28. As in the past, some police officials interviewed by the delegation were convinced that the tendency by certain law enforcement officials to ill-treat persons in their custody was deeply rooted in the overreliance on confessional evidence in the investigation phase. The blame was also put on the ambiguity of the police hierarchy as to the manner in which criminal suspects should be treated during interviews as well as insufficient practice-oriented training for newly recruited operational officers.

The CPT must recall that responsibility for changing the behaviour of law enforcement officials as a whole lies first and foremost with senior officers. In this context, it is essential that the philosophy of going "from the evidence to the suspect" rather than "from the suspect to the evidence" prevails in the daily practice of all those involved in the criminal justice process (operational officers, investigators, prosecutors and judges). Further, law enforcement officials should have a good grasp of the practical implications of the principle of proportionality when force has to be used as a last resort.

In the light of the above, the CPT calls upon the Russian authorities to strengthen action to prevent ill-treatment by the police and members of other agencies (including the FSKN and the FSB), particularly:

- i) by giving the firmest message of “zero impunity” as regards ill-treatment, at regular intervals, to all operational officers and investigators as well as to members of Internal Affairs special forces. Where appropriate,<sup>24</sup> a declaration should be adopted at the highest political level;
- ii) by placing more emphasis on a physical evidence-based approach in the investigation phase, notably through initial and in-service training of operational officers and investigators, thereby reducing reliance on confessions obtained through interviews. In particular, training in the seizure, retention, packaging, handling and evaluation of forensic exhibits and continuity issues pertaining thereto should be further developed. Investments should also be made to ensure ready access to evidence collection tools, such as DNA technology and automated fingerprint identification systems;
- iii) by implementing a system of ongoing monitoring of interviewing standards and procedures; this would require the accurate recording of all interviews (including those carried out before a protocol of detention is drawn up), which, where possible, should be conducted with electronic recording equipment (audio, in addition to any video recordings made). It should also be required that a record be systematically kept of the time at which interviews start and end, of any request made by a detained person during an interview, and of the persons present during each interview. Further, a copy of the electronic recording should be made available to the detained person and/or his/her lawyer;
- iv) by reminding operational officers that they should be clearly identifiable as law enforcement officials when carrying out an apprehension (e.g. by wearing an armband);
- v) by developing further in-service training relating to the proportionate use of force in the context of an apprehension, transfer to or intervention in police or other detention facilities;
- vi) by giving clear instructions to law enforcement officials that the use of stun devices should be confined to situations of real and immediate danger to life or of an obvious risk of serious injury. Recourse to such devices for the sole purpose of securing compliance with an order is inadmissible. Further, such weapons should not be used against vulnerable individuals (pregnant women, individuals under the influence of narcotics, persons in a state of delirium, cardiac patients, etc.);<sup>25</sup>
- vii) by reminding law enforcement officials that, where it is deemed essential to handcuff a person at the time of apprehension or during the period of custody, the handcuffs should under no circumstances be excessively tight and should be applied only for as long as is strictly necessary.<sup>26</sup>

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<sup>24</sup> For instance, whenever a particularly serious case of ill-treatment comes to light.

<sup>25</sup> See also paragraphs 65-84 of the CPT’s 20th General Report.

<sup>26</sup> It should be noted that excessively tight handcuffing can have serious medical consequences (for example, sometimes causing a severe and permanent impairment of hand(s)).

29. It is also essential to do more to promote, within the law enforcement agencies, a culture where it is regarded as unprofessional – and unsafe from a career path standpoint – to work and associate with colleagues who resort to ill-treatment. More precisely, an atmosphere must be created in which the right thing to do is to report ill-treatment by colleagues.

**Proper conduct by members of law enforcement agencies vis-à-vis detained persons must be fostered, in particular by doing more to encourage law enforcement officials to prevent colleagues from ill-treating detained persons and to report, through appropriate channels, all cases of ill-treatment by colleagues. There must be a clear understanding that culpability for ill-treatment extends beyond the actual perpetrators to anyone who knows, or should know, that ill-treatment is occurring/has occurred and fails to act to prevent or report it. This implies the existence of a clear reporting line as well as the adoption of “whistle-blower” protective measures.**

30. The CPT has repeatedly stressed in its visit reports the importance of effective action by the investigating authorities when information indicative of possible ill-treatment comes to light. In this respect, the manner in which the federal investigating authorities reacted to the alleged ill-treatment and subsequent death of Sergey Nazarov in March 2012 could serve, in many respects, as a good example for other cases of alleged ill-treatment by police or other law enforcement officials, regardless of whether those cases attract media attention. They not only reacted promptly to establish the facts, but also took preventive action. In this context, specific mention should be made of Order No. 20 of 18 April 2012 by the Head of the Investigative Committee of the Russian Federation, which aimed at setting up at central, federal district and Moscow and Saint-Petersburg levels, specialised investigation units dealing with cases of possible illegal action by law enforcement officials whilst on duty.

The above decision is clearly a step in the right direction. However, many persons interviewed who had lodged official complaints of ill-treatment with the prosecuting/investigating authorities questioned the effectiveness of the steps subsequently taken; it was alleged, for instance, that they had not been interviewed by an investigator before a decision not to initiate criminal proceedings was taken or that they were still waiting for a reaction from the investigating authorities (for periods of up to six months after having lodged their complaint). Further, there appeared to be a high level of mistrust amongst detained persons in the system as regards the investigation of complaints against police and other law enforcement officials. **The CPT wishes to receive the remarks of the Russian authorities on these points.**

**The Committee would also like to be provided with detailed information on the financial and human resources made available to the newly-established specialised investigation units within the Investigative Committee of the Russian Federation and on any specific training offered to the specialised investigators and support staff.**

31. The CPT must stress once again the important role of judges before whom persons are brought for consideration of the application of procedural preventive measures; they are ideally placed to ensure that investigations into cases of possible ill-treatment are promptly initiated. During the 2012 visit, some detained persons interviewed indicated that, although judges had reacted to their complaints of ill-treatment, they had reportedly contented themselves with asking for the comments of an escorting operational officer (who on some occasions was alleged to be one of the perpetrators) or with simply rejecting as evidence written statements or video-recorded interviews which could have been obtained under duress.

**Judges should be reminded, by the highest judicial authorities and/or, if necessary, through the adoption of relevant legal provisions, that they should take appropriate action whenever a person brought before them alleges that he or she has been subjected to ill-treatment by law enforcement officials. Even in the absence of an express allegation of ill-treatment, the judge should ensure that a forensic medical examination is promptly carried out whenever there are other grounds (e.g. visible injuries, a person's general appearance or demeanour) to believe that ill-treatment may have occurred.**

### **3. Safeguards against ill-treatment**

32. Concerning the formal safeguards against ill-treatment (in particular, notification of custody, access to a lawyer and access to a doctor), the situation during the 2012 visit was very much the same as that observed in the course of the 2008 periodic visit.<sup>27</sup> In short, these safeguards still only became available from the moment of the first official interview by the investigator, i.e. several hours (and sometimes much longer) after the *de facto* apprehension and initial questioning by operational officers.

It is clear that the bulk of the recommendations made by the CPT in the past aimed at strengthening the safeguards against ill-treatment remain to be implemented. In this context, reference is made to the remarks in paragraph 9.

33. As regards notification of custody, several persons who were, or had recently been, detained by law enforcement agencies (including the FSKN and the FSB) stated that they had not been put in a position to inform promptly a relative or a third party of their situation. **The CPT once again calls upon the Russian authorities to take resolute steps to ensure that the right of notification of custody is guaranteed in practice as from the very outset of deprivation of liberty.**

Further, some persons who had been able to exercise this right complained that they did not know whether notification had in fact been given. Law enforcement officials confirmed that there was no practice of providing feedback to detained persons as to whether a relative had been informed. **The Committee reiterates its recommendation that notification of custody be recorded in writing and that law enforcement officials systematically inform detained persons whether and when the notification has been effected.**

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<sup>27</sup> See paragraphs 31 to 36 of CPT (2009) 6.

34. Regarding the right of access to a lawyer, the delegation again noted that – contrary to the very clear wording of Section 46 (4) of the Code of Criminal Procedure (CCP)<sup>28</sup> – the usual practice in police establishments was not to grant such access prior to the drawing up of a protocol of detention.<sup>29</sup>

Further, a number of detained persons alleged that they had been interviewed and made to sign a confession or another statement without the presence of a lawyer.

**The CPT calls upon the Russian authorities to immediately take measures to ensure that the correct interpretation of Section 46 (4) of the CCP is made clear to all concerned and that the right of access to a lawyer becomes effective as from the very outset of a person's deprivation of liberty (and not only when a protocol of detention is drawn up).**

As for administrative detainees, the delegation was concerned to note that the Committee's recommendation to grant them the right to *ex officio* legal assistance and to systematically inform them of their right of access to a lawyer had still not been implemented. **The CPT calls upon the Russian authorities to take steps to address these *lacunae* without further delay.**

35. Most of the persons with whom the delegation spoke indicated that an *ex officio* lawyer had been present during their official interviews carried out by an investigator (e.g. in the period as from the drawing up of the protocol of detention). That said, as so many times in the past, the vast majority of the detained persons complained about the work of *ex officio* lawyers; in particular, *ex officio* lawyers frequently advised their clients not to make complaints about their alleged ill-treatment and failed to bring the attention of the relevant authorities to the alleged ill-treatment. Further, the delegation heard several allegations that *ex officio* lawyers had been chosen by investigators themselves and had not been appointed by bar associations. **The CPT reiterates its recommendation that a comprehensive review of the system of *ex officio* legal assistance be carried out, in co-operation with the relevant bar associations. In addition, the Committee once again calls upon the Russian authorities to remind State-appointed lawyers, through the appropriate channels, that their duty is to represent to the best of their ability the interests of the persons to whom they have been assigned, not to act as an agent of the law enforcement or investigative authorities.**

36. As had been the case during the previous visits to the Russian Federation, several detained persons alleged that they had been prevented from contacting their own lawyer for some time (generally until after a confession/statement had been signed by the detained person). **The CPT recommends that steps be taken to ensure that, whenever the access of a person detained by law enforcement officials to the lawyer of his/her own choice is delayed/denied, the reasons for the decision are recorded, the authorisation of an Investigative Committee official (unconnected with the case at hand) is obtained and a written copy of the decision with the reasons are provided to the person concerned.**

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<sup>28</sup> Which states explicitly that the right of access to a lawyer applies as from the moment of *de facto* deprivation of liberty.

<sup>29</sup> See, in this context, paragraphs 21 to 23 as regards alleged ill-treatment during initial interviews by operational officers.

37. Despite the recommendation repeatedly made by the CPT since its very first visit to the Russian Federation (in 1998), the right of access to a doctor for detained persons during their custody by law enforcement agencies is still not expressly guaranteed by law; instead, such access remains at the discretion of law enforcement officials.

**The CPT once again calls upon the Russian authorities to introduce legal provisions ensuring that all persons deprived of their liberty by law enforcement agencies have an effective right to be examined by a doctor (including a doctor of their own choice, it being understood that an examination by such a doctor may be carried out at the detained person's own expense).**

38. Similar to the practice observed during previous visits, persons detained in some of the larger IVS establishments (e.g. the IVS of Ufa Internal Affairs Directorate) were seen by a feldsher, usually within 24 hours of admission. However, there was no feldsher at most of the IVS facilities visited, and the delegation observed once again that newly arrived detainees were (superficially) screened for health problems and injuries by a medically untrained duty officer. If necessary, the officer could call an ambulance.<sup>30</sup>

Further, as in the past, any medical examinations of detained persons in hospitals or in IVS establishments took place, as a rule, in the presence of non-medical staff (e.g. a member of the escort team). The delegation also noted, once again, that the recording of injuries was generally inadequate (in particular, the explanations of detained persons as to the origin of injuries they bore were usually not recorded).

39. As repeatedly stressed by the CPT in the past, the prompt and proper medical examination of persons admitted to IVS establishments is essential, in particular in order to facilitate any subsequent investigative measures related to allegations of ill-treatment.

**The Committee once again calls upon the Russian authorities to take immediate steps to ensure that:**

- **all persons admitted to IVS establishments are properly interviewed and physically examined by qualified health-care staff on the day of their admission or the following day; the same approach should be adopted each time a person returns to an IVS cell after having been taken out by operational officers (even for a short period of time);**
- **all medical examinations (whether they are carried out in hospitals or in law enforcement facilities) are conducted out of the hearing and – unless the health-care professional concerned expressly requests otherwise in a given case – out of the sight of law enforcement officials;**

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<sup>30</sup> This included situations where persons brought to the IVS bore visible and/or serious injuries; in such cases, the duty officer would often refuse to admit the person unless he/she was first taken to a local hospital with a view to obtaining a certificate confirming that the person's state of health did not prevent him/her from being detained, as well as confirming that the injuries had been sustained by the person prior to his/her placement in the IVS.

- **the record drawn up following the medical examination of a detained person in a hospital or law enforcement establishment contains: (i) a full account of statements made by the person concerned which are relevant to the medical examination (including his/her description of his/her state of health and any allegations of ill-treatment), (ii) a full account of objective medical findings based on a thorough examination, and (iii) as far as possible, the health-care professional's conclusions as to the consistency between injuries observed and any allegations of ill-treatment made by the person concerned;**
  
- **whenever injuries are recorded which are consistent with allegations of ill-treatment made by a detained person (or which, even in the absence of allegations, are indicative of ill-treatment), the record is systematically brought to the attention of the competent investigative authorities, regardless of the wishes of the person concerned. Detained persons and their lawyers should be entitled to receive a copy of that record at the same time.**

Further, the CPT recommends that the Russian authorities seriously consider the option of placing all health-care staff working in IVS facilities under the authority of a structure other than the Ministry of Internal Affairs. Such a measure would better guarantee the full independence of such staff in relation to their duties.

40. It was clear from the information gathered during the 2012 visit that forensic medical examinations of persons who alleged ill-treatment were still often performed only after a significant delay. In particular, it remained the case that forensic examinations of persons *deprived of their liberty* had to be authorised by an investigative or judicial authority. In this context, the delegation was informed by Investigative Committee officials that the applicable procedure required an express complaint of ill-treatment by the detained person,<sup>31</sup> followed by a formal interview by an investigator, a request for permission to transfer the person to the forensic medical institute (addressed to the competent body of inquiry) and, finally, the arrangement of the transfer itself. In practice, as noted by the delegation upon the study of the relevant documentation in a number of cases, the procedure could take a month or even longer; this obviously rendered such a forensic medical examination far less relevant for securing reliable medical evidence of any physical ill-treatment.

In the Republic of Tatarstan, the delegation also heard accounts according to which forensic doctors had refused to examine and record detained persons' injuries.

**The CPT once again calls upon the Russian authorities to ensure that in all cases where there are grounds to believe that a detained person may have been ill-treated, forensic medical expertise is promptly requested and carried out. The Committee also recommends that the relevant legislation be amended so as to enable persons who allege ill-treatment by members of the police or other law enforcement agencies to be examined at their own initiative by a doctor with recognised forensic training, without prior authorisation from an investigating or judicial authority and regardless of whether they are deprived of their liberty.**

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<sup>31</sup> Unless the injuries observed on the person upon arrival at a detention facility were of a severe nature, in which case the procedure was supposed to be initiated *ex officio*.

Further, forensic doctors working in the Republic of Tatarstan must be reminded that detained persons subjected to a forensic medical examination should always be examined physically and the results of such an examination should be recorded, in full compliance with the relevant procedure.

41. Information on rights continued to be provided to detained persons by investigators, at the outset of the first official interview; a number of operational officers with whom the delegation spoke still considered that this was not their task. As previously, no written information sheets were available, the practice being that persons detained were asked by the investigators to confirm with their signature on the detention protocol that they had been informed of their rights. The standard blank protocols referred to the rights of notification of custody and access to a lawyer.<sup>32</sup>

**The CPT once again calls upon the Russian authorities to take steps to ensure that all persons detained by law enforcement officials are fully informed of their rights (including the right of access to a lawyer) as from the very outset of their deprivation of liberty. This should be ensured by the provision of clear verbal information at the moment of apprehension, to be supplemented at the earliest opportunity (i.e. immediately upon entry into the premises of a law enforcement agency) by the provision of a written form setting out the detained person's rights in a straightforward manner. Moreover, the form on rights should be available in an appropriate range of languages.**

42. As had been the case in the past, some of the detained juveniles interviewed by the delegation alleged that they had been questioned by operational officers or investigators and made to sign documents (confessions or other statements) without the presence of a lawyer and/or another trusted person.<sup>33</sup>

**The CPT reiterates its recommendation that effective steps be taken to ensure that detained juveniles do not make any statements or sign any documents related to the offence of which they are suspected without the benefit of a lawyer (and, in principle, of another trusted adult) being present and assisting the juvenile.**

**The Committee also urges the Russian authorities to ensure that a specific information form on rights, setting out the particular position of detained juveniles and including a reference to the right to have a lawyer and, in principle, another trusted person present, is developed and given to all such persons taken into custody. Special care should be taken to explain the information carefully to ensure comprehension.**

43. The delegation spoke with a number of detained foreign nationals who complained that they had not been provided with an interpreter before the first court hearing, despite their poor knowledge of the Russian language, and that they had been made to sign documents they did not understand. **The CPT recommends that effective steps be taken to ensure that detained foreign nationals who do not understand Russian are promptly provided with the services of an interpreter and are not requested to sign any statements or other documents without this assistance.**

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<sup>32</sup> As regards persons suspected of having committed administrative offences, their detention protocols contained information about the possibility to notify one's next-of-kin but there was no mention of the right of access to a lawyer.

<sup>33</sup> See, in this connection, Section 51 of the Code of Criminal Procedure on the mandatory involvement of a lawyer when the suspect or accused person is a minor.

Further, it appeared during the 2012 visit that detained foreign nationals received no information on their right of access to a consular/diplomatic representative. **The CPT would like to receive the remarks of the Russian authorities on this matter.**

44. The quality of custody records kept at the police facilities visited was generally good, which was an improvement as compared with the situation observed on previous visits. However, the delegation's attention was drawn to the fact that no record was made of the arrival and departure of persons taken directly to offices by operational officers for questioning, without passing by the duty station (*dezhurnaya chast'*).

**The CPT recommends that this *lacuna* be eliminated without delay; whenever a person is present in a law enforcement establishment for investigative purposes (including for "informal talks" and interviews with an operational officer), this must always be duly recorded.** In addition to facilitating control over the observance of the legal provisions concerning police custody, such recording can protect law enforcement officials by countering false allegations made against them.

#### **4. Conditions of detention**

##### a. cells at police divisions

45. The CPT is concerned by the fact that – despite its recommendations repeatedly made since the very first visit in 1998 – holding cells in police divisions were still frequently used for overnight stays (on occasion, for up to 48 hours). As observed on all the previous visits to the Russian Federation, none of such holding cells seen by the delegation in the course of this visit was suitable for holding persons for longer than a few hours.

The cells were generally deprived of access to natural light, were poorly lit and inadequately ventilated, often dilapidated and dirty, and were equipped at best with a platform or a bench. Persons obliged to stay in such cells overnight were not given a mattress and a blanket, there were no arrangements for the provision of food and even access to drinking water was sometimes problematic (e.g. at Police Division No. 5 in Ufa). Furthermore, the delegation heard several allegations of long delays in access to a toilet for persons detained in such cells and saw in some of the holding cells (e.g. at Police Division No. 15 in Saint Petersburg, at Police Division No. 9 in Kazan and, again, at Police Division No. 5 in Ufa) faeces and/or urine – a clear indication of the absence of ready access to a toilet.

46. **The CPT calls upon the Russian authorities to take decisive and urgent steps in order to ensure that:**

- **all holding cells in police divisions offer adequate conditions for periods of detention of up to a few hours, in particular as regards lighting, ventilation, means of rest and state of repair/hygiene;**
- **such holding cells are under no circumstances used for periods of detention in excess of a few hours (and certainly not for overnight detention);**
- **detained persons have ready access to a toilet and drinking water.**

47. As already mentioned in paragraph 10, at the end of the visit the CPT's delegation requested confirmation that the holding cells in two of the police divisions visited (No. 10 in Saint Petersburg and No. 5 in Ufa), which were extremely dilapidated and dirty,<sup>34</sup> had been withdrawn from service pending refurbishment. In their letter of 23 July 2012, the Russian authorities informed the Committee that this had indeed been done. The Committee welcomes this positive response.

b. temporary detention isolators (IVS)

48. The delegation was informed by senior Ministry of Internal Affairs officials that a large-scale refurbishment and construction programme of IVS facilities was underway, and that some 50 new IVS were to be built within the coming three years (as well as 10 existing ones completely reconstructed).<sup>35</sup> Indeed, observations made by the delegation during its visits to the IVS establishments confirmed that these efforts were starting to bear fruit: conditions were generally decent in most of the IVS facilities visited, and even good in some of them.

49. The best standards of accommodation were found in the two IVS facilities visited in Ufa (i.e. the IVS of Police Division No. 5 and the IVS of Ufa Internal Affairs Directorate), as well as in the IVS No. 2 in Kazan. Cells in these recently refurbished establishments were of a sufficient size for their intended capacity (respecting the norm of 4 m<sup>2</sup> of living space per detainee), adequately lit<sup>36</sup> and ventilated, and suitably equipped (beds/bunk beds or sleeping platforms with mattresses and bedding, tables, stools, lockers, partitioned toilets). Detainees were provided with food three times a day, and had access to outdoor exercise and to a weekly shower.

50. The IVS facilities of Krasnogvardeyskiy District in Saint Petersburg and Vladimir also offered, on the whole, good conditions. That said, some of the cells in both establishments were quite small for the intended occupancy (e.g. a double cell measured some 7 m<sup>2</sup>). Further, there was no proper outdoor exercise facility in Vladimir.<sup>37</sup>

One of the major problematic issues at the IVS in Gus-Khrustalnyi was overcrowding in the cells; a significant proportion of the detained persons had to sleep on mattresses placed directly on the floor.

Conditions of detention were poor at the IVS of Petrogradskiy District in Saint Petersburg and the IVS No. 1 in Kazan; both facilities had poorly lit and unventilated cells. Further, there was no outdoor exercise yard at the Petrogradskiy IVS.

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<sup>34</sup> In addition, the cells at Police Division No. 5 in Ufa were poorly ventilated.

<sup>35</sup> Mr Aleksandr Gorovoy, First Deputy Minister of Internal Affairs, told the delegation that the budget for renovation and maintenance of the IVS facilities was now 14 times higher than in 2005, and that 11.5 billion RUB had been set aside for this purpose for the next three years.

<sup>36</sup> Although access to natural light was rather poor in some of the cells at the IVS of Ufa Internal Affairs Directorate, the delegation was told that further refurbishment works (which were to begin on 20 June 2012) would include the replacement of the small cell windows by larger ones.

<sup>37</sup> The detained persons were offered daily exercise in a large room without window panes. The delegation was informed of plans to build open-air facilities in future.

It should be noted that, at the time of the visit to the IVS in Vladimir, a detained wheelchair-bound person was in the process of being admitted. However, due to his medical condition and disability, his detention in this establishment was clearly inappropriate; indeed, this IVS (as no doubt many others) was not adapted to the special needs of wheelchair-bound detained persons.<sup>38</sup>

**51. The CPT recommends that the above-mentioned deficiencies at the IVS facilities of Krasnogvardeyskiy and Petrogradskiy Districts in Saint Petersburg, IVS No. 1 in Kazan and the Vladimir IVS be remedied. Immediate steps should also be taken to reduce overcrowding at Gus-Khrustalnyi IVS (including, where appropriate, by providing alternative accommodation in the region). Further, all in-cell sanitary annexes in IVS facilities should be fully partitioned (i.e. up to the ceiling).**

**The CPT also encourages the Russian authorities to pursue as a matter of priority the implementation of their programme of construction and refurbishment of IVS facilities throughout the Russian Federation. In this context, structural alterations should be effected to assist wheelchair-bound and physically disabled detained persons on lines similar to those in the outside environment; such detained persons should be guaranteed access to all basic facilities, including cells, toilet and shower facilities, exercise yards and health-care services. When required, they should benefit from appropriate assistance.**

**All detained persons should be offered at least one hour of outdoor exercise per day in an adequate open air facility, preferably located at ground level.**

**52. As regards security arrangements in the IVS facilities visited, the CPT is again concerned by the design of interview rooms, which were equipped with cages in which suspects were placed. The CPT once again calls upon the Russian authorities to remove cages in interview rooms in all IVS visited as well as in any other Internal Affairs establishments in the Russian Federation. If necessary, the relevant regulations should be amended.**

Further, in IVS No. 1 in Kazan, the delegation noted the occasional use of handcuffs fixed to the wall (in front of the facility's duty office). According to staff, they were used exceptionally when a detained person became violent or to prevent self-harm. In the CPT's opinion, such arrangements are inappropriate in the already secure environment of an IVS. **The CPT recommends that the Russian authorities take measures to ensure that this apparatus is removed from the IVS No. 1 in Kazan, as well as from any other establishments in which similar devices have been installed. In the event of a person in custody acting in a highly agitated or violent manner, the use of handcuffs may be justified. However, the person concerned should not be shackled to a wall or fixed objects but rather be kept under close supervision in an appropriate setting. In case of agitation brought about by the state of health of a person being held in custody, law enforcement officials should request medical assistance and follow the instructions of the doctor.**

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<sup>38</sup> The delegation was informed that the detained person was finally not held in the IVS and released.

c. other Internal Affairs establishments

53. As regards special reception centres for persons under administrative arrest, the delegation noted that conditions in the cells of the *Izhevsk centre* had significantly improved since the Committee's previous visit to this facility,<sup>39</sup> and were now on the whole adequate for periods of detention of up to 15 days. The CPT welcomes this positive development. Nevertheless, **the design of the cell windows should be reviewed so as to allow inmates to see outside their cells and in-cell sanitary annexes should be fully partitioned.**

54. Material conditions were also generally appropriate in the *Ufa special reception centre*, which had recently been partially refurbished (new ventilation, disinfection room and windows in some of the cells). The cells were generally of an adequate size for their intended occupancy,<sup>40</sup> well lit and ventilated, and suitably equipped (beds or sleeping platforms, table, benches, shelves, a partially screened toilet and a washbasin). Bedding (mattresses, sheets, pillows and blankets) was given to the detainees for the night. Basic personal hygiene items were also provided, and the detained persons had access to a shower upon arrival and subsequently once a week. Food was served three times a day in a communal dining room.

Nevertheless, the intended occupancy levels of some cells exceeded the standard of 4 m<sup>2</sup> of living space per detained person (e.g. 8 beds in a 22 m<sup>2</sup> cell) and access to natural light was limited in a few of the cells (due to screens partially obstructing the cell windows). In addition, the level of cleanliness inside many of the cells left something to be desired. More generally, all the accommodation areas were showing clear signs of wear and tear.

As for the activities, they were essentially limited to the daily one-hour period of outdoor exercise (taken in a spacious yard fitted with some benches and a shelter against inclement weather). A few detainees were employed – at their own request – on unpaid cleaning jobs; however, the bulk of the persons detained were spending their time in a state of enforced idleness, with hardly any distractions available.<sup>41</sup> In short, the situation in this respect was no different from that observed in special reception centres visited by the Committee in the past.

55. **The CPT recommends that steps be taken at the Special Reception Centre for Persons under Administrative Arrest in Ufa:**

- **to reduce the official occupancy levels in all the cells, so as to respect the standard of 4 m<sup>2</sup> of living space per detainee;**
- **to continue the refurbishment and, in this context, improve access to natural light in all the cells, as well as to provide in-cell sanitary annexes with full partitioning (up to the ceiling).**

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<sup>39</sup> See the description of conditions of detention at that establishment in paragraph 50 of the report on the 2008 periodic visit (CPT (2009) 6).

<sup>40</sup> For example, a double cell measuring some 10 m<sup>2</sup>, a cell for four measuring some 18 m<sup>2</sup>.

<sup>41</sup> The establishment did have a small collection of books, and detainees were permitted to receive books and newspapers from their relatives.

As regards special reception centres in general, **the Committee recommends that the relevant legislation be amended (and practical efforts made) to enlarge the offer of activities for persons under administrative arrest (e.g. more work opportunities, sports, access to TV/radio, etc.).**

56. The delegation was informed by Mr Aleksandr Gorovoy, First Deputy Minister of Internal Affairs, that the Duma was considering draft new legislation pursuant to which the detention of foreign nationals awaiting deportation would no longer be the responsibility of his Ministry, but instead one of the subjects of the Russian Federation. It was expected that the new rules would enter into force as from 1<sup>st</sup> January 2013. **The CPT would like to receive more detailed information on this subject.**

In this context, **the CPT would like to stress that foreign nationals awaiting deportation 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.**

57. The Temporary Detention Centre for Juvenile Offenders in Ufa was a recently opened facility with an official capacity of 28, intended to accommodate children and juveniles (aged from 7 to 18) placed there by a court decision for periods of up to 30 (and exceptionally 45) days.<sup>42</sup> On the day of the delegation's visit, the establishment was accommodating only one boy, aged 15.

Material conditions in the dormitories (for boys and for girls) were generally very good. They were spacious (e.g. 30 m<sup>2</sup> for five beds), well lit and ventilated, and efforts were being made to decorate them and keep them clean. The furniture consisted of beds, bedside lockers and stools; however, the delegation noted that juveniles were not allowed to keep any personal items within the dormitories.

The centres' communal toilets, washing and shower facilities were of an excellent standard, as were the kitchen, the canteen, the classroom and the dayroom. There were no problems with the supply of bedding, clothes and hygiene items. As for the food, the daily menu was rich and varied.

58. The range of activities offered at the centre appeared adequate for stays of up to 30 days. The daily programme included two hours of sport/games/exercise (both outdoors and in a well equipped indoor gym), in addition to schooling and other activities such as music and art. However, there was no proper outdoor sports and playground (juveniles had to exercise and play on the tarmacked parking lot in front of the building).

59. The centre's staff complement could be described as satisfactory: it included two full-time pedagogues (a third one was due to be recruited in the near future), two "inspectors", a security and an operational officer. Further, there were several visiting teachers. The health-care staff was composed of a paediatrician, two feldshers and a psychologist (all working full time).

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<sup>42</sup> For more details of the legal framework for the operation of such establishments, see paragraph 37 of the report on the periodic visit to the Russian Federation carried out in September/October 2000 (CPT (2001) 2).

60. Visits were allowed once a week and there were no restrictions on phone calls. That said, the centre had no premises for overnight accommodation for visiting relatives coming from far away (which was often the case, as the establishment received juveniles from all over the Republic of Bashkortostan<sup>43</sup>).

61. In the light of the above remarks, **the CPT recommends the following steps in respect of the Temporary Detention Centre for Juvenile Offenders in Ufa:**

- **allow the juveniles to keep some personal items within the dormitories;**
- **create a proper outdoor sports area and a playground;**
- **consider setting up premises where visiting relatives coming from far away may be accommodated for the night (upon payment, as appropriate).**

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<sup>43</sup> And even further, as in the case of runaway juveniles coming from other regions and apprehended on the territory of the Republic.

## **B. Persons in pre-trial detention or serving sentences**

### **1. Preliminary remarks**

62. For many years, the Russian authorities have made continued efforts to combat overcrowding and improve material conditions in pre-trial establishments. One of the objectives of the reform of the penitentiary system initiated after the previous periodic visit in 2008, and discussed with the Russian authorities in April 2010 in Moscow,<sup>44</sup> was to further reduce overcrowding in pre-trial establishments (SIZOs) and pre-trial units (PFRSIs) located within the premises of establishments for the execution of sentences, and to ensure that the preventive measure of remand in custody becomes a measure of last resort. The Concept for the development of the criminal execution system until 2020 (hereafter “Prison Reform Concept”)<sup>45</sup> recognised that the remand prisoner population had remained steadily high in recent years and still far exceeded the pre-trial establishments’ official capacities in several regions (with an overpopulation rate of 20% to 40% in some places).<sup>46</sup>

In the case of *Ananyev and Others v. Russia* of 10 January 2012,<sup>47</sup> the European Court of Human Rights considered that inadequate conditions of detention in pre-trial establishments were a recurrent structural problem and decided to apply the pilot-judgment procedure.<sup>48</sup> Indeed, in more than 80 cases, remand prisoners were considered to suffer inhuman and degrading treatment (acute lack of living space in cells, shortage of sleeping places, unjustified restrictions on access to natural light and fresh air, and non-existent privacy when using sanitary facilities). Notwithstanding a perceptible trend towards an improvement in material conditions of detention and a reduction in the number of prisoners awaiting trial, the Court held the view that the urgency of the problem of overcrowding has not abated in recent years.

63. During the 2012 periodic visit, the CPT’s delegation was informed that, as of 1 January 2012, 112,000 remand prisoners were held in 224 SIZOs and 165 PFRSIs, for an overall official capacity of 119,000 places. The inmate population awaiting trial had thus been reduced by more than 20% since the previous periodic visit in 2008.<sup>49</sup> According to the information provided by the Russian authorities, on 1 April 2012, the average living space per remand prisoner was 4.4 m<sup>2</sup> and the federal minimum standard of 4 m<sup>2</sup> was observed, on average, in about 68% of the SIZOs in operation.

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<sup>44</sup> See report on CPT’s 2010 visit to the Russian Federation (CPT (2010) 46).

<sup>45</sup> Government Regulation No. 1772-r of 14 October 2010, published on the [Official Gazette](#) on 8 March 2011.

<sup>46</sup> Part I of the Prison Reform Concept.

<sup>47</sup> The judgment *Ananyev and Others v. Russia* became final on 10 April 2012.

<sup>48</sup> In order to facilitate effective implementation of its judgments, the Court may adopt a pilot-judgment procedure allowing it to clearly identify in a judgment the existence of structural problems underlying the violations and to indicate specific measures or actions to be taken by the respondent State to remedy them.

<sup>49</sup> At the time of the previous periodic visit, 142,000 inmates were held on remand. Note should also be taken that the overall prison population had dropped by some 15% since 2009 and stood at 755,648 inmates on 1 January 2012.

The delegation's official interlocutors attributed the above results to a variety of measures, including a revision of the criminal legislation (e.g. decriminalisation of certain acts, increased recourse to non-custodial preventive measures), and expected further progress.<sup>50</sup>

In parallel, the Russian authorities continued to implement extensive programmes of (re)construction of pre-trial facilities.<sup>51</sup> From 2009 to 2011, 8,154 new places had been created and it was planned that 23,963 additional places would be put in operation between 2013 and 2016. The delegation was also informed of steps taken to improve material conditions in the cells, in the light of the CPT's previous recommendations, including the full partitioning of in-cell toilet facilities and the construction of exercise yards at ground level.

64. In the course of the 2012 visit, the CPT's delegation examined the situation in five SIZOs and two PFRSIs, of various sizes and in different regions of the Russian Federation. It also saw the construction site of the future "Kresty 2" SIZO near Saint Petersburg. It could observe for itself the very encouraging results obtained by the Russian authorities in this field. The CPT welcomes these developments and **recommends that the Russian authorities pursue their concerted efforts to combat overcrowding and improve material conditions in all pre-trial establishments/units.** As regards more specifically the implementation of the above-mentioned pilot-judgment of the European Court of Human Rights of *Ananyev and Others v. Russia*, **the Committee would like to receive detailed information on the steps being taken.**

In order to improve the effectiveness of the action taken and/or envisaged, **the Russian authorities must reinforce their regular monitoring of the observance of the standard of at least 4 m<sup>2</sup> of living space per inmate in multi-occupancy cells in all SIZOs and PFRSIs of the Russian Federation. In this context, it is essential to:**

- i) **review the intended occupancy levels in each of the cells of SIZOs and PFRSIs (i.e. number of beds/sleeping places per cell) in the light of the minimum standard of 4 m<sup>2</sup>, and revise the overall official capacities of the establishments accordingly. The area taken up by in-cell toilets should not be included in this calculation.**
- ii) **examine, in every SIZO/PFRSI, the actual living space per inmate in the cells at regular intervals (in addition to the average living space per prisoner in each establishment). This will make it possible to detect and combat localised overcrowding in these establishments (see also paragraph 83);**

**With regard to single-occupancy cells, any cells of this type should measure at least 6 m<sup>2</sup> (not counting the area taken up by in-cell toilets), and should preferably be larger (see also paragraph 81).**

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<sup>50</sup> Reference was made to Federal Law No. 420-FZ of 7 December 2011 which *inter alia* enables judges to have a broader resort to "house arrest". The new provisions on "house arrest" have been in force since 1<sup>st</sup> January 2012 and judges were said to actively use them.

<sup>51</sup> Mention should be made here of the implementation of the 2007-2016 programme on the development of the criminal execution system.

65. The setting-up of a new system of establishments for adult sentenced prisoners is at the heart of the Prison Reform Concept. At the time of the 2012 visit, the Russian authorities were preparing to enter into the second phase of the implementation of the Concept (2013 – 2016), with the actual setting-up of “settlement colonies”<sup>52</sup> and “closed-type prisons”<sup>53</sup>. The delegation was informed that 31 establishments were about to be transformed into closed-type prisons and that two new such prisons were planned to be built by 2016.

The CPT is pleased to note that steps are being taken to move away from the system of large-capacity dormitories/cells found in current establishments for sentenced prisoners towards a system of smaller living units. As repeatedly stressed by the CPT, large-capacity accommodation facilitates the development of offender subcultures within FSIN establishments and entails a high risk of inter-prisoner intimidation and violence. Further, although the federal standard of living space per inmate was still of at least 2 m<sup>2</sup> in correctional colonies and at least 2.5 m<sup>2</sup> in closed-type prisons at the time of the 2012 visit,<sup>54</sup> it appeared that plans for the reconstruction of accommodation blocks, such as at “Vladimirskiy Tsentral”, were based on the objective to offer at least 4 m<sup>2</sup> of living space per inmate in multi-occupancy cells and about 8 m<sup>2</sup> of living space per inmate in single cells. It was explained to the delegation that this objective should be met, in addition to the creation of new places, through better use of alternatives to imprisonment.

**The CPT recommends that the Russian authorities formally amend the legislation in order to align the minimum standard of living space for sentenced prisoners with that for remand prisoners, namely 4 m<sup>2</sup>. Further, the Committee would like to receive updates on the increased resort to alternatives to imprisonment and on the (re)construction of establishments for sentenced prisoners.**

66. In contrast with the above-mentioned developments concerning material conditions, there has been little, if any, progress in drawing up programmes of purposeful, out-of-cell, activities. During the 2012 visit, remand prisoners were locked up in their cells for most of the day, in a state of enforced idleness. The development of programmes of purposeful out-of-cell activities also remains a pressing issue in the context of the transformation of correctional colony-type establishments into closed-type prisons. The delegation’s interlocutors had a clear understanding that this was one of the main challenges ahead; indeed, all attempts to humanise conditions of detention, create a safer environment within FSIN establishments and give a true sense to terms of imprisonment will fail without progress in this key area of out-of-cell activities.

**The CPT calls upon the Russian authorities to ensure that efforts aimed at reducing overcrowding and improving material conditions in both SIZOs and establishments for sentenced prisoners go hand-in-hand with the introduction of programmes of structured out-of-cell activities. The aim should be to enable prisoners to spend as many hours as possible each day outside their cells (preferably eight hours or more) and to participate in regular, purposeful and varied activities (work, education, sport, etc.) tailored to the needs of each category of prisoner (adult remand or sentenced prisoners, inmates serving life sentences, female prisoners, juveniles, etc.).<sup>55</sup>**

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<sup>52</sup> *Колонии-поселения.*

<sup>53</sup> *Тюрьмы (общего, усиленного и особого режима) .*

<sup>54</sup> See Section 99 of the Criminal Executive Code.

<sup>55</sup> Particular reference should be made in this respect to the Committee of Ministers of the Council of Europe Recommendation Rec(2006)2 to member states on the European Prison Rules, adopted on 11 January 2006 (hereafter “European Prison Rules”).

## 2. Ill-treatment

67. The delegation received no allegations of ill-treatment of prisoners by staff at Federal-purpose SIZO No. 3 in Saint Petersburg and SIZO No. 1 in Kazan. In addition, no credible allegations of ill-treatment were heard at SIZO No. 4 in Moscow or at SIZO No. 1 in Saint Petersburg (“Kresty”). More generally, the majority of prisoners interviewed in these establishments indicated that staff displayed a correct attitude towards them.

68. As regards SIZO No. 1 in Ufa, there also most of the inmates interviewed made no complaints about staff attitudes. However, the delegation found, in the relevant documentation, information about an incident dating back to September 2011, in which rubber batons were applied to an inmate considered to be recalcitrant. From the materials examined (including photographs of the injuries sustained by the inmate concerned, in particular on his buttocks), the delegation gained the impression that force had been used in a disproportionate and punitive manner. In their letter of 29 August 2012, the Russian authorities indicated that the investigative authorities had initiated criminal proceedings against FSIN staff.<sup>56</sup> **The CPT would like to be informed, in due course, of the outcome of this investigation.**

69. In contrast, at Closed-Type Prison No. 2 in Vladimir (“Vladimirskiy Tsentral”), the delegation received several consistent allegations of physical ill-treatment of inmates by staff. One pattern of allegations related to transfers to disciplinary cells or other facilities. The alleged ill-treatment involved punches, kicks and/or the use of rubber batons, in the cells, in the corridors or in a so-called “nulovka” room (room no. 00) as well as, in one case, handcuffing to a wire fence outside the building in a crucifix position and dousing with pressurised cold water during the winter season. Another pattern of allegations of ill-treatment referred to the establishment’s operational staff, generally during questioning in their offices in relation to trafficking of prohibited items or police-related matters. The alleged ill-treatment included punches and kicks.

70. In the course of the follow-up visit to Strict-Regime Colony No. 1 in Yagul, many inmates interviewed, in particular in the PFRSI, stressed that there had been a clear improvement as regards the attitude of staff towards them since the CPT’s previous visit in 2008. No allegations of ill-treatment of such a severity as the ones referred to previously were received.<sup>57</sup>

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<sup>56</sup> Proceedings were initiated under Section 286 (3) a) and b) of the Criminal Code (i.e. abuse of official power that entails resort to violence or threat of violence involving the use of weapons or “special means”).

<sup>57</sup> In the report on its 2008 periodic visit, the CPT expressed particular concern as to the considerable number of allegations of physical ill-treatment of inmates by staff received at Colony No. 1 in Yagul, including in the PFRSI located on its premises. In several cases, the severity of the ill-treatment alleged (e.g. baton blows to the soles of the feet, a treatment referred to as the “Chinese method”) was such that it could be considered as amounting to torture. The Committee made a series of recommendations aimed at carrying out effective investigations into allegations of ill-treatment by staff, increasing staff supervision and stamping out any practices of using “special means” as a form of corporal punishment. In their response, the Russian authorities informed the CPT of the steps taken at Yagul as well as in other FSIN establishments in order to reduce the use of “special means” to the minimum necessary. In a letter of 2 August 2010, the President of the Committee emphasised that the CPT remained seriously concerned about the situation at Yagul and referred to the alleged ill-treatment of an inmate in the PFRSI and his subsequent death in June 2010. In their response, the Russian authorities informed the Committee that criminal proceedings had been initiated against staff members working at Yagul. At the time of the 2012 visit, the staff members concerned were on trial.

However, the delegation did hear a number of graphic and consistent accounts of deliberate and routine physical ill-treatment of newly admitted sentenced prisoners, involving punches, kicks, baton blows and the use of unmuzzled dogs while they were made to run and bend over on the way through gates to search facilities and during subsequent search procedures, as well as on the following days (in particular at night) in the establishment's admission unit or within the disciplinary unit. The most recent incident of this kind was said to have occurred in late April 2012 and concerned a large group of prisoners transferred from Penza region. In one case, staff allegedly unleashed a dog on an inmate, who was apparently bitten on his left leg.<sup>58</sup>

The delegation also received several credible allegations of physical ill-treatment by staff, including senior officials, of inmates on disciplinary segregation. The alleged ill-treatment consisted of punches, kicks, squeezing of the throat and banging of the prisoner's head against a wall.

71. In many instances, especially at Yagul, prisoners who alleged ill-treatment by staff complained that there were long delays in gaining access to health-care staff and/or that health-care staff had recorded neither their injuries nor their allegations.<sup>59</sup> The medical documentation consulted by the delegation in other FSIN establishments (where some of the inmates concerned had later been transferred) lent credence to these allegations. In addition, unlike in the SIZOs visited, the recording of cases of use of force and "special means" (e.g. handcuffs, rubber batons, guard dogs) left much to be desired in Closed-Type Prison No. 2 in Vladimir and Colony No. 1 in Yagul; the information gathered during the visit suggests that several instances of use of force and/or "special means" had gone unrecorded.

72. In reaction to the delegation's preliminary observations at the end of the visit, the Russian authorities stressed that regular messages had been sent to all FSIN territorial authorities of the Russian Federation since the previous periodic visit in order to ensure that: staff comply with the legal requirements on the use of force and "special means"; each instance is appropriately documented; the prisoners concerned are promptly and thoroughly examined by health-care staff; the results of the medical examination are properly recorded<sup>60</sup> and forwarded without delay to the prosecuting and investigating authorities where injuries are related to complaints of ill-treatment; the appropriate FSIN territorial commission review each instance of use of force and "special means".<sup>61</sup>

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<sup>58</sup> At the time of the 2012 visit, the inmate in question was being treated in a prison hospital. The injuries observed by medical members of the delegation, in spite of being at an advanced stage of healing, were consistent with the allegation of a dog bite.

<sup>59</sup> In this context, the delegation was itself struck by the very low number of injuries recorded in the relevant documentation at both "Vladimirskiy Tsentral" and Colony No. 1 in Yagul.

<sup>60</sup> See, in this respect, paragraph 125.

<sup>61</sup> Reference was made to FSIN instructions nos. 10/1-2285 of 16 June 2009, 10/1-4910 of 18 November 2009, 13-9947-01 of 27 May 2011, 13-20654-04 of 1 November 2011 and 13-7859-01 of 25 April 2012.

The CPT calls upon the Russian authorities to continue to issue, at regular intervals and from the highest level, detailed instructions to all FSIN staff about their obligations in relation to the treatment of inmates as well as regarding resort to force and “special means”.<sup>62</sup> It should also be made clear to staff working at “Vladimirskiy Tsentral” and Colony No. 1 in Yagul that any FSIN official committing, aiding and abetting or tolerating ill-treatment, in any form, will be severely punished. Further, staff working in these two establishments as well as staff working in SIZO No. 1 in Ufa should be reminded that physical force and “special means” should only be applied when – and to the extent – strictly necessary to maintain security and order, and never as a form of punishment.

The CPT also recommends that FSIN senior officials and outside monitoring bodies visiting Colony No. 1 in Yagul pay extra vigilance to the due recording in the relevant documentation of all instances of use of force and “special means” against prisoners. In this connection, the Committee considers that keeping specific registers on the use of force and “special means” should be a legal requirement.<sup>63</sup>

More generally, the Committee recommends that the Russian authorities review the legal framework on the use of “special means”. A rubber baton should only be used when there is a risk to life or limb and only to address that threat directly, and guard dogs should not be used for routine prison duties involving direct contact with inmates.

73. The delegation observed that certain members of staff working in direct contact with prisoners were openly carrying rubber batons in some of the establishments visited, such as SIZO No. 1 in Ufa. **The CPT reiterates that if it is considered necessary for FSIN custodial staff to carry batons, they should be hidden from view.**

74. During the 2012 visit, the delegation’s attention was drawn to the increasing resort to video equipment as both an important safeguard against ill-treatment and a security measure. For instance, at Colony No. 1 in Yagul, custodial staff were required to carry portable video cameras attached to their uniforms to record encounters with prisoners. The delegation also observed that vide-surveillance cameras had been installed in disciplinary cells (in-cell toilet areas being outside the scope of the cameras). However, it heard many complaints according to which portable videorecording devices and/or in-cell vide-surveillance cameras had been switched off before force and/or “special means” were applied. At “Vladimirskiy Tsentral”, a number of inmates also complained about the improper use of videorecording devices by staff in order to show part of an incident only. **The CPT would like to receive the remarks of the Russian authorities on this issue.**

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<sup>62</sup> Reference is made to paragraph 125 as regards the recording of injuries by prison health-care staff.

<sup>63</sup> Unlike in other FSIN establishments visited, there was no longer such specific registers at “Vladimirskiy Tsentral” or at Yagul.

75. The delegation noted that inquiries into possible ill-treatment/excessive use of force, within FSIN establishments, were generally not carried out by outside agencies, but rather by officers of the operational unit of the establishment concerned. In this connection, **the CPT would like to know whether the newly-established specialised units of the Investigative Committee of the Russian Federation dealing with complaints against law enforcement officials will have the power to inquire into possible ill-treatment of inmates by FSIN staff.**

76. Some FSIN officials with whom the delegation spoke during the 2012 visit considered that making penitentiary establishments “ill-treatment-free” places would require a large amount of time and, in particular, a change in current relations between staff and inmates. Indeed, the delegation could observe by itself during the visit that staff-inmate interaction was still limited to the strict minimum and the approach of staff could even be described as militaristic. Most staff in direct contact with inmates only spoke to them to issue orders; they never sought a constructive dialogue with them.<sup>64</sup> In-depth knowledge of the prisoners was left to a very small proportion of FSIN officials, such as operational staff whose contacts with prisoners were focussed on the collection of information, at times upon the instructions of the police or other agencies.<sup>65</sup>

Further, demeaning practices – such as obliging inmates to stand with hands clasped behind their backs and heads bowed down when in direct contact with staff, to greet or report to staff in a subaltern way and to spread-eagle themselves when cells were searched – continued unabated. In the CPT’s view, this general approach to staff-inmate interaction should be fundamentally altered.

**The CPT calls upon the Russian authorities to take action to improve the recruitment procedures and professional training of all FSIN staff with a view to preparing them to adopt a new relationship with prisoners and move towards creating a dynamic<sup>66</sup> rather than a purely static approach to security and order. In this connection, an end should be put to anachronistic and potentially degrading practices relating to routine contacts with inmates such as those described above.**

77. The delegation heard several accounts of ill-treatment of prisoners by fellow inmates at the instigation of staff, in particular at “Vladimirskiy Tsentral” and at Colony No. 1 in Yagul.

At “Vladimirskiy Tsentral”, the alleged ill-treatment was said to have occurred in a cell referred to as “*press-khata*”.<sup>67</sup> The delegation also received allegations of threats, by FSIN operational officers, of placement in such a cell or in a cell occupied by inmates belonging to the lowest category of inmate (so-called “roosters”) in the informal hierarchy of prisoners<sup>68</sup>.

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<sup>64</sup> In parallel, many prisoners referred to custodial staff as “robots”.

<sup>65</sup> See, in this connection, paragraph 140.

<sup>66</sup> See Rule 51.2 of the European Prison Rules.

<sup>67</sup> A “*press-khata*” is any cell where prisoners are said to run a high risk of being subjected to physical ill-treatment (including sexual violence) by fellow inmates if they do not immediately confess to a particular crime or provide other information.

<sup>68</sup> Being in contact with this category of inmate was said to render one vulnerable to physical ill-treatment by other prisoners (see also footnote 23).

At Yagul, the delegation heard allegations of beatings by so-called “activist” prisoners<sup>69</sup> for not observing the prison rules (e.g. refusal to work). It also received detailed descriptions of direct threats, by staff, of physical ill-treatment by other inmates or of being “downgraded” in the informal prisoner hierarchy through organised sexual assault by other inmates or forced physical contact with prisoners referred to as “roosters”.

78. The delegation came across a few other cases of inter-prisoner violence in SIZO No. 4 in Moscow (involving foreign nationals), “Vladimirskiy Tsentral” and Colony No. 1 in Yagul, as a result of conflicts between inmates. It received hardly any complaints about the manner in which staff reacted to such incidents and the subsequent investigative and preventive measures taken. Nevertheless, at “Vladimirskiy Tsentral” and at Yagul, some prisoners claimed that incompatibilities between prisoners were at times ignored.

79. In their letter of 29 August 2012, the Russian authorities emphasised their commitment to eradicating inter-prisoner violence and intimidation in FSIN establishments. In this context, they referred to the abolition of the so-called “discipline and order sections” in colonies and inquiries into every instance of injuries observed on a prisoner<sup>70</sup>.

In the light of the information gathered during the 2012 visit, there is clearly much more to be done in certain FSIN establishments. **The CPT calls upon the Russian authorities to redouble their efforts in this area, notably:**

- **by clearly and regularly reminding staff of Closed-Type Prison No. 2 in Vladimir, including the PFRSI, and Colony No. 1 in Yagul that any member staff tolerating, encouraging or colluding in punitive action against prisoners by other inmates or any other form of inter-prisoner violence or intimidation will be the subject of criminal proceedings. Outside monitoring and investigating bodies should pay particular attention to any instances of possible exploitation of the informal hierarchy among prisoners by staff;**
- **by adopting a strategy at the federal level for combating inter-prisoner violence and intimidation related to the informal hierarchy among inmates;**
- **by further rationalising the assessment, classification and allocation of individual prisoners, with the aim of ensuring that prisoners are not exposed to other inmates who may cause them harm.**

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<sup>69</sup> Inmates considered to be dealing informally with security and order among prisoners on behalf of the establishment’s administration. Inmates of this category usually belonged to former “discipline and order sections”, which were formally abolished in December 2009.

<sup>70</sup> See, in this respect, paragraph 126.

### 3. Remand prisoners

80. The CPT's delegation carried out visits to five pre-trial establishments (SIZO) and two pre-trial units (PFRSI). Two of these visits (to SIZO No. 1 ("Kresty") in Saint Petersburg and to the PFRSI at the Strict-Regime Colony No. 1 in Yagul) were of a follow-up nature.<sup>71</sup>

SIZO No. 4 in Moscow was set up in 1994 on the premises of a former detoxification facility for alcoholics. With an official capacity of 1,731, the establishment was holding 1,720 male adults at the time of the visit (including 129 inmates awaiting extradition).<sup>72</sup> It comprised two main accommodation blocks, i.e. a recent one, which was opened in 2008 and housing inmates who had not been previously convicted (about 70% of the prison population), and an older building accommodating inmates who had received a previous conviction.

With an official capacity of 1,768, SIZO No. 1 in Saint Petersburg (referred to as "Kresty") was holding approximately 1,900 adult male prisoners.<sup>73</sup> Compared to the time of the previous visit by the CPT in September 1999, there had been a huge reduction in the inmate population (from nearly 10,000).

Federal-purpose SIZO No. 3 in Saint Petersburg<sup>74</sup> was located in the city centre, adjacent to the Regional Directorate of the FSB and the city's largest IVS. It was built as a prison in 1875. On the day of the delegation's visit, the establishment was accommodating 34 remand prisoners (including eight women) for an official capacity of 110.<sup>75</sup>

Set up in 1807 as a prison, the premises of SIZO No. 1 in Kazan became a pre-trial establishment in 1964. It is one of the oldest penitentiary establishments in the Republic of Tatarstan. At the time of the visit, it had a capacity of 404 places and was holding 351 male prisoners (including 13 juveniles), accommodated in three main blocks.<sup>76</sup>

SIZO No. 1 in Ufa was situated close to the city centre. Constructed as a prison by the order of the Empress Catherine II in 1784, it had been gradually enlarged and renovated over the centuries. With an official capacity of 1,092 (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 1,460 inmates, including 116 women and 11 juveniles.<sup>77</sup>

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<sup>71</sup> See, respectively, paragraphs 62 – 84 of CPT (2000) 7, and paragraphs 78 and 81 of CPT (2009) 6.

<sup>72</sup> The prison population included 78 inmates serving sentences and assigned to this establishment to provide various services.

<sup>73</sup> Some 230 sentenced prisoners were assigned to work at the establishment.

<sup>74</sup> Federal-purpose SIZOs depend directly on the FSIN Federal Directorate in Moscow. Most of them are former FSB SIZOs.

<sup>75</sup> In addition, seven sentenced prisoners (including four women) worked in the kitchen and performed maintenance tasks.

<sup>76</sup> 19 sentenced prisoners assigned to this establishment to provide maintenance services were held in a separate building.

<sup>77</sup> 95 sentenced prisoners were employed on maintenance duties.

121 male adult remand prisoners were held at Closed-Type Prison No. 2 in Vladimir (referred to as “Vladimirskiy Tsentral”). At the time of the visit, 63 of them were held in the PFRSI situated in Block 4. Due to the limited number of places in that block and the requirement to observe segregation rules in particular, most of the remainder (55 inmates) were accommodated in Block 3 housing sentenced prisoners. As for the PFRSI located on the premises of Colony No. 1 in Yagul, it was accommodating 105 male adults for an official capacity of 125.

a. material conditions

81. The best conditions were observed at Federal-purpose SIZO No. 3 in Saint Petersburg. The cells were adequately lit and ventilated, suitably equipped (beds, bedding, table, bench, cupboard, shelf, call system) and in a good state of repair and cleanliness. Further, the legal norm of 4 m<sup>2</sup> of living space per prisoner was respected, each of the standard 9 m<sup>2</sup> cells being used to accommodate one or two inmates.

Each cell had a sanitary annexe; however, it was only partially screened, which constitutes a significant shortcoming when the cells are occupied by more than one inmate. In any event, the CPT considers that, in view of their size, it would be far preferable to use the aforementioned cells for single-occupancy. Indeed, these cells, although of a good size for one inmate, offer a barely acceptable amount of living space for two, given the area taken up by the sanitary annexes.

At the time of the visit, one of the two accommodation blocks was closed and undergoing refurbishment. The delegation saw some of the already refurbished cells and found the conditions inside them very good (with the exception of the partially screened sanitary annexes).

82. The material conditions were also, on the whole, acceptable at SIZO “Kresty” and SIZO No. 4 in Moscow, Block 3 of SIZO No. 1 in Kazan<sup>78</sup> and in recently refurbished cells of the PFRSI at the “Vladimirskiy Tsentral”<sup>79</sup>. There was ongoing refurbishment in all of these establishments, and most of the cells were adequately lit and ventilated and equipped with a toilet (albeit usually only partially screened). The delegation gained a particularly favourable impression of the recently built accommodation block of SIZO No. 4 in Moscow, where the main issue of concern was the choice of glass in the cell windows (frosted glass, preventing an outside view, with only a small pane in a corner of the windows being transparent). As regards the recently refurbished sections of SIZO “Kresty” (e.g. sections 4.1 and 5), it is particularly noteworthy that the cells had been equipped with fully screened sanitary annexes. That said, the size of the cells (8 m<sup>2</sup> including the sanitary annexe) was hardly sufficient for their intended occupancy of two inmates.

As was the case in 2008, conditions were generally good in the cells at the PFRSI located on the premises of Colony No. 1 in Yagul. Further, unlike on the previous visit, the delegation did not receive any allegations that inmates had to ask prior authorisation from staff before using the in-cell toilet.

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<sup>78</sup> Block 3 had been reconstructed some years previously and re-opened in 2006. The delegation was pleased to note that Block 5 of SIZO No. 1 in Kazan, in which material conditions were extremely poor, had been withdrawn from service for refurbishment shortly before the visit.

<sup>79</sup> Some of the cells awaiting renovation were, however, in an advanced state of dilapidation. As regards material conditions in the cells holding remand prisoners in other parts of the establishment, see paragraph 95.

83. Despite the significant steps being taken to reduce the inmate population, localised overcrowding was still an issue in most of the above-mentioned establishments (e.g. 25 inmates in a cell of 67 m<sup>2</sup> in the old block of SIZO No. 4 in Moscow, four inmates sharing 8 m<sup>2</sup> of living space – sanitary annexe included – in some of the cells at “Kresty”, six inmates in a cell of some 15 m<sup>2</sup> at SIZO No. 1 in Kazan); this was at least partially related to the excessively complex rules on the separation of different categories of remand prisoners.

Further, the cells’ potential occupancy levels were too high in some of the establishments visited (e.g. six beds in a cell of 16 m<sup>2</sup> in the PFRSI at Colony No. 1 in Yagul). And at SIZO No. 1 in Kazan, the delegation observed that the number of inmates could, albeit very rarely, exceed the number of beds.

84. SIZO No. 1 in Ufa was an exception to the generally satisfactory situation observed by the delegation. Despite the administration’s obvious efforts to keep the establishment clean and in a good state of repair (as well as the ongoing refurbishment in some of the accommodation blocks), the delegation felt compelled to state at the end of the visit to this establishment that the authorities were fighting a losing battle against an ancient building that (due to its structural constraints) could not be brought into conformity with modern accommodation standards.

The situation was exacerbated by severe overcrowding, especially in Blocks 5, 6, 7 and 8 (e.g. 40 m<sup>2</sup> and 24 inmates in Block 7; 40 m<sup>2</sup> and 22 prisoners in Block 5; 25 m<sup>2</sup> and 10 inmates in Block 6) combined with poor ventilation and all the indignities associated with only partially screened toilets. The delegation also noted that many of the cells in the high-security Block 2 were too small (e.g. a single cell measuring barely 5 m<sup>2</sup>, sanitary annexe included).

85. There were generally no problems with the supply of bedding and hygiene items at any of the SIZOs visited; the CPT welcomes this positive fact. Further, inmates in all the establishments had access to a shower at least once a week, although this does not fully meet the requirements contained in the European Prison Rules. It is also noteworthy that the delegation received hardly any complaints about the food in the pre-trial establishments visited.

**86. The recommendations already made in paragraph 64 concerning living space per prisoner should be rigorously applied in the establishments visited, taking into account also the additional remarks in paragraph 81. In this context, consideration should be given to modifying and rendering more flexible the current provisions requiring separate accommodation of different categories of remand prisoners. Further, the CPT recommends that the Russian authorities:**

- **ensure at SIZO No. 1 in Kazan that every prisoner is provided with an individual sleeping place;**
- **pursue the ongoing refurbishment programmes in the SIZOs/PFRSIs visited in Moscow, Saint-Petersburg, Kazan, Vladimir and Yagul, and in this context, move away from large-capacity cells towards smaller living units, and ensure that the sanitary annexes in all cells are fitted with a full partition (i.e. up to the ceiling);**
- **reconsider the design of the cell windows in the new accommodation block of SIZO No. 4 in Moscow so as to allow inmates to see outside their cells.**

**The Committee also invites the Russian authorities to consider the possibility of increasing the frequency of prisoners' access to a shower in the SIZOs and PFRSIs visited, as well as in all other pre-trial establishments/units in the Russian Federation, taking into consideration Rule 19.4 of the European Prison Rules.<sup>80</sup>**

87. As regards more specifically SIZO No. 1 in Ufa, the CPT is of the opinion that the outdated design and structural limitations<sup>81</sup> make it impossible to bring the facility into conformity with modern accommodation standards. In this context, the delegation was informed of plans to build a new SIZO on the outskirts of Ufa, with an envisaged capacity of up to 1,000 places (calculated on the basis of 7 m<sup>2</sup> of living space per prisoner). Reportedly, it was planned to bring the new establishment into service within three years. **The CPT recommends that the Russian authorities give a high priority to implementing these plans and that the current premises of SIZO No. 1 in Ufa be decommissioned as soon as the new SIZO enters into service. In the meantime, active steps should be taken to reduce the inmate population and ensure a more even allocation of inmates to the cells.**

**The Committee would like to receive, in due course, more detailed information about the new establishment in Ufa (design of cell accommodation; number and categories of inmates to be accommodated; programme of activities; staff, etc.).**

**Similarly, the CPT wishes to receive more details about plans to construct a new SIZO in the Kazan area.**

88. The CPT's delegation had an opportunity to visit the construction site of the future SIZO "Kresty 2", located in Kolpino (approximately 40 km from the centre of Saint Petersburg). With a planned capacity of 4,000 (calculated on the basis of 7 m<sup>2</sup> of living space per prisoner),<sup>82</sup> this facility is scheduled to enter into service in 2015/16.

The delegation's observations suggest that the new SIZO should have the potential to offer suitable material conditions of detention. In addition to their good size for the intended rate of occupancy, the double and quadruple cells seen by the delegation were fitted with large windows and a fully partitioned sanitary annexe including a shower<sup>83</sup>.

**The Committee wishes to be informed, in due course, of the entry into service of the new SIZO in Kolpino and to receive more detailed information about the establishment (number and categories of inmates accommodated; programme of activities; staff, etc.). Further, the CPT would like to be informed whether there are plans to continue using the existing facility (SIZO "Kresty") in Saint Petersburg as a penitentiary establishment.**

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<sup>80</sup> Rule 19.4 of the European Prison Rules states: "Adequate facilities shall be provided so that every prisoner may have a bath or shower, at a temperature suitable to the climate, if possible daily but at least twice a week (or more frequently if necessary) in the interest of general hygiene."

<sup>81</sup> Including the restricted area available, which cannot be significantly extended due to the establishment's location close to the centre of town.

<sup>82</sup> The design of the establishment provides for effectively separate remand facilities on the one site.

<sup>83</sup> See, however, paragraph 89.

b. outdoor exercise

89. In all pre-trial establishments visited, prisoners had access to one hour of daily outdoor exercise (1.5 hours for women and 2 hours for juveniles). That said, the yards seen by the delegation were generally too small for real physical exertion (e.g. 15 m<sup>2</sup> at the Federal-purpose SIZO No. 3 in Saint Petersburg; 10 m<sup>2</sup> at SIZO No. 1 in Ufa, 16 to 20 m<sup>2</sup> in SIZO No. 1 in Kazan) and were of an oppressive design. The yards at SIZO No. 1 in Ufa, SIZO No. 4 in Moscow and in the two PFRSIs visited were located on the top floors of the accommodation buildings, allowing at best a sky view.

**The CPT recommends that steps be taken in all the SIZOs and PFRSIs visited to ensure that prisoners have the possibility of genuine physical exertion every day; this will require enlarging most of the exercise yards. As for SIZO No. 4 in Moscow and the PFRSIs located on the premises of Closed-Type Prison No. 2 in Vladimir and Colony No. 1 in Yagul, the current yards located on the roofs of the accommodation blocks should be replaced by outdoor exercise facilities located at ground level.<sup>84</sup>**

When visiting the building site of the future SIZO “Kresty 2” (see paragraph 88), the delegation was struck by the relatively small size of the exercise yards; **the Committee invites the Russian authorities to rectify this apparent design fault.**

c. out-of-cell activities and contact with the outside world

90. The CPT is very concerned by the fact that, despite the ongoing reform of the penitentiary system of the Russian Federation, there have been no noteworthy improvements as regards out-of-cell activities<sup>85</sup> and possibilities to maintain contact with the outside world for remand prisoners. Adult remand prisoners continued to spend 23 hours per day in their cells with hardly anything to occupy their time and were not allowed association with prisoners other than their cellmates<sup>86</sup>; further, phone calls were not allowed and investigators rarely authorised visits. The regime for juveniles on remand also remained restricted, despite some efforts being made to provide them with education and association and distraction<sup>87</sup>.

The CPT has recommended many times in the past that the current regime for remand prisoners, based on the flawed concept of “isolation”, be fundamentally reviewed<sup>88</sup>. The starting point for considering regimes for remand prisoners must be the presumption of innocence and the principle that prisoners should be subject to no more restrictions than are strictly necessary to secure their safe confinement and the interests of justice. Any restrictions should be kept to a minimum and be of the shortest possible duration. The current almost total lack of constructive activities for remand prisoners, taken together with the restrictions on contact with the outside world and association, produce a regime which is oppressive, stultifying and threatening to the maintenance of physical and mental health.

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<sup>84</sup> As regards SIZO No. 1 in Ufa, reference is made to paragraph 87.

<sup>85</sup> See also paragraph 66.

<sup>86</sup> This was of particular concern as regards the inmates accommodated alone, including those accused of crimes for which a long (including life) sentence could be imposed (as well as those already sentenced, who were awaiting the outcome of their appeal).

<sup>87</sup> Consisting of watching TV in a communal room, as a reward for good behaviour.

<sup>88</sup> See, for recent examples, paragraph 69 of CPT (2008) 39, paragraph 88 of CPT (2009) 6, and paragraph 17 of CPT (2010) 46.

91. The CPT once again calls upon the Russian authorities to give the highest priority to a fundamental review of the regime for remand prisoners taking into account the elements already identified by the Committee in paragraph 66. In this connection, steps should be taken to ensure that, when designing and constructing new SIZOs or units for remand prisoners, provision is made for association with prisoners from other cells, proper outdoor exercise, work and other meaningful activities.<sup>89</sup>

Any restriction/prohibition placed on remand prisoners as regards contact with other inmates and the outside world (visits, phone calls and correspondence) must be specifically substantiated by the needs of the investigation, require the approval of a judicial authority, and be applied for a specified period of time, with reasons stated.<sup>90</sup>

#### 4. Sentenced prisoners subjected to a closed-type prison (*tyurma*) regime – visit to Closed-Type Prison No. 2 in Vladimir (“Vladimirskiy Tsentral”)

92. Located in the city of Vladimir, the original buildings of what is now Closed-Type Prison No. 2 (“Vladimirskiy Tsentral”) were constructed in 1783 and served as a labour camp. Transformed into a detention centre in 1838 and into a prison in 1906, “Vladimirskiy Tsentral” became specialised in the holding of prominent prisoners throughout the 20<sup>th</sup> century. It was re-named Closed-Type Prison No. 2 in 1998 and is intended to hold two main categories of inmate: i) those serving sentences exceeding five years for having committed serious crimes, during an initial period of detention determined by the sentencing court, and ii) inmates considered to have violated the correctional colonies’ regime, for up to three years.<sup>91</sup>

In this connection, the CPT would like to recall its position of principle that decisions concerning the type of regime to be applied to a given prisoner should never be pronounced – or imposed at the discretion of the court – as part of the sentence. The decision whether or not to impose a particular regime should lie with the FSIN authorities, and should not be part of the catalogue of criminal sanctions. **The CPT reiterates its recommendation made in the report on its 2010 visit that, in the context of the prison reform process, the Russian authorities review their approach to assigning sentenced prisoners to different types of regime, in the light of these remarks. If necessary, the law should be amended.**

93. With an official capacity of 1,080 places,<sup>92</sup> “Vladimirskiy Tsentral” was only accommodating 113 sentenced prisoners subjected to a closed-type prison regime (out of a total of 287 inmates<sup>93</sup>), 92 of them being held in Block 3 while 21 others were in Block 2. One of the main reasons for the low number of prisoners belonging to this category was the reconstruction of Block 1 according to new prison standards, which was presented as a pilot project.

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<sup>89</sup> The observations made by the delegation while visiting the construction site of the future SIZO “Kresty 2” demonstrate that this is still not the case at present.

<sup>90</sup> See, in this connection, Rule 99 of the European Prison Rules.

<sup>91</sup> Sections 74 (7) and 130 of the Criminal Executive Code.

<sup>92</sup> On the basis of the legal standard of 2.5 m<sup>2</sup> of living space per inmate.

<sup>93</sup> The establishment’s total population included 121 remand prisoners (see section II.B.3.) and 53 sentenced prisoners assigned to this establishment to provide various services (see section II.B.6.).

94. The three-storey Block 1, the reconstruction of which was to be completed by August 2012, had the potential to offer good material conditions of detention. Each cell had large windows and was to be equipped with beds, a table, chairs, a washbasin and fully partitioned toilet. Further, the intended occupancy levels in the cells were calculated on the basis of at least 4 m<sup>2</sup> of living space per inmate, with about 60 double-occupancy cells measuring some 12 m<sup>2</sup>, two cells of some 25 m<sup>2</sup> intended for four inmates and a small number of single cells of about 8 m<sup>2</sup>. That said, **the single cells were too narrow (i.e. less than two metres between the walls).**

**The CPT would like to receive confirmation that Block 1 has entered into service.**

95. As regards Blocks 2 and 3, at the time of the visit prisoners had at least 4 m<sup>2</sup> of living space in their cells (e.g. six inmates in a cell measuring about 34 m<sup>2</sup>). However, in many cells seen by the delegation, the intended occupancy levels were too high (e.g. cells of some 35 m<sup>2</sup> were equipped with 12 beds; cells of 18 m<sup>2</sup> were intended for eight inmates; cells of 8 m<sup>2</sup>, including a toilet facility, were equipped with two beds).

The delegation also observed a marked difference between cells holding prisoners considered to be “co-operative” with the FSIN administration and those considered to be “unco-operative”. Cells of the second category were in a poorer state of repair, darker and the in-cell toilet often screened with a curtain only. At the same time, a number of cells were in the process of being refurbished.

**The CPT recommends that the official occupancy levels in the cells (i.e. number of beds per cell) of Blocks 2 and 3 be reviewed in the light of the standard of at least 4 m<sup>2</sup> of living space per inmate in multi-occupancy cells (not counting the area taken up by the toilet).**

**The Russian authorities should also pursue the ongoing refurbishment of cells in Blocks 2 and 3 with a view to providing all inmates with the same minimum standards as regards state of repair, in-cell lighting and toilet facilities (which should be fitted with a full partition).**

96. Pursuant to Section 131 of the Criminal Executive Code, inmates held under a closed-type prison regime are entitled to up to one-and-a-half hours of outdoor exercise per day. However, the Code also provides that in the case of breach of internal regulations, a prisoner may be deprived of outdoor exercise. In the opinion of the CPT, deprivation of outdoor exercise as a disciplinary measure is not acceptable. **The Committee recommends that the Code be amended accordingly.**

The CPT is pleased to note that it was planned to locate the outdoor exercise yards of Block 1 at ground level. **The Committee would also like to receive information on the sizes of these yards.**

As for the exercise facilities in the other blocks, they were rather small (e.g. about 30 m<sup>2</sup>) and poorly equipped walled areas located on the top floor of the buildings covered by the elevated roof, which left little to see apart from a glimpse of the sky. **The CPT recommends that the outdoor exercise facilities of these blocks be located at ground level, be increased in size so as to allow all prisoners to exert themselves physically and be appropriately equipped.**

97. With regard to programmes of activities, efforts were being made to employ as many inmates as possible in the establishment's various workshops. More than 40% of the prisoners serving sentences under a closed-type prison regime had a paid job in the workshops. There were apparently no waiting lists for jobs and there were 15 new vacancies at the time of the visit. Some educational programmes were also in place; however, only two prisoners held under a closed-type prison regime were involved in them. Further, no regular access to sports facilities was organised. **The CPT invites the Russian authorities to pursue their efforts to provide prisoners serving part of their sentences under a closed-prison regime with a suitable programme of purposeful activities of a varied nature (including vocational training, education, sport, and targeted rehabilitation programmes). This programme should be drawn up and reviewed on the basis of an individualised needs and risk assessment by a multi-disciplinary team, in consultation with the inmates concerned.**

98. The CPT must reiterate its position that visiting entitlements for prisoners serving sentences under a closed-type prison regime are totally inadequate.<sup>94</sup> **The Committee once again calls upon the Russian authorities to ensure that all sentenced prisoners, irrespective of the regime applied to them, should benefit from the same minimum visiting entitlement, in particular as regards short visits.<sup>95</sup> The relevant legislation should be amended so as to ensure that any restrictions on sentenced prisoners' visits are based exclusively on security concerns of an appreciable nature assessed on a case-by-case basis rather than applied automatically as part of the sentence.**

As regards phone calls, the inmates were entitled to one call of up to 15 minutes a week. The delegation did not receive any complaints on this matter.

##### **5. Prisoners serving sentences under a strict colony regime – follow-up visit to Strict-Regime Correctional Colony No. 1 in Yagul**

99. The delegation noted that the number of prisoners had been reduced since the previous visit to Colony No. 1 in Yagul in 2008. With an official capacity of 1,248 places,<sup>96</sup> it was holding 1,152 inmates at the time of the 2012 visit (compared with 1,409 during the 2008 visit).

100. In the report on its 2008 visit, the CPT found that material conditions were, in many respects, good. However, prisoners were accommodated in overcrowded conditions in large-capacity dormitories. The Committee therefore recommended that the Russian authorities transform all large-capacity dormitories at Yagul into smaller living units based on the model of the units for inmates held under "lighter conditions".

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<sup>94</sup> Pursuant to Section 131 of the Criminal Executive Code, prisoners serving a sentence in a closed-type prison are entitled to two short visits and two long visits a year. These entitlements are reduced to two short visits a year for inmates held under a strict regime.

<sup>95</sup> For instance, inmates held under a general colony regime are entitled to six short visits and four long visits a year.

<sup>96</sup> On the basis of the legal standard of 2 m<sup>2</sup> of living space per inmate.

Whereas material conditions in the dormitories basically remained unchanged at the time of the 2012 visit, plans had been drawn up, in the context of the prison reform, to reconstruct the establishment's accommodation buildings with a view to holding prisoners in cells, with the objective of offering at least 4 m<sup>2</sup> per inmate (e.g. cells of about 24 m<sup>2</sup> were intended to accommodate six prisoners, cells of some 16 m<sup>2</sup> were intended to hold four persons, cells of 8 to 9 m<sup>2</sup> were intended to hold two inmates). However, the future admission unit was an exception. The plans seen by the delegation provide for up to four inmates in a cell of 10 m<sup>2</sup> and up to two prisoners in a cell of 5 m<sup>2</sup>.

**The recommendations made in paragraph 64 concerning living space in multi-occupancy cells (i.e. at least 4 m<sup>2</sup> per prisoner, not counting the area taken up by in-cell toilets) and the size of single-occupancy cells (i.e. at least 6 m<sup>2</sup>, not counting the area taken up by in-cell toilets, and preferably larger) apply equally to the transformation of the current prisoner accommodation into cells at Yagul and other establishments of this type. In the meantime, the Committee invites the Russian authorities to continue their efforts to reduce the prison population at Yagul, with the objective of offering at least 4 m<sup>2</sup> of living space per inmate in the establishment's dormitories.**

101. Prisoners had access during the day to outdoor exercise areas of an adequate size, equipped with a means of rest and shelter against inclement weather. **The CPT trusts that this will remain the case after the reconstruction of the establishment.**

Nevertheless, the delegation received several complaints that prisoners were obliged to take outdoor exercise, irrespective of the weather conditions, and that they would be placed in disciplinary confinement if they refused. **The CPT must stress that there should be no question of compelling prisoners to take outdoor exercise; if a particular prisoner does not wish to take outdoor exercise on a given day, his wish should be respected.**

102. The information gathered by the delegation during the 2012 visit indicates that further efforts had been made to provide a large number of prisoners with purposeful activities. On the first day of the visit, 496 prisoners (i.e. 43 % of the establishment's inmate population) were working in workshops and other facilities. Further, 149 prisoners had been involved in vocational training in 2011 and within the first five months of 2012. In addition, 205 inmates had been involved in educational programmes during the same period. Prisoners also had regular access to sports facilities as well as to cultural and religious services.

**The CPT encourages the Russian authorities to support the management of Colony No. 1 in Yagul in its efforts to provide as many prisoners as possible with a broad range of purposeful activities (including work, preferably of vocational value, education and rehabilitation programmes). These activities should be offered on the basis of individual sentence plans reviewed at regular intervals, after consultations among the relevant staff and, as far as possible, with the prisoners concerned.**

103. As regards contact with the outside world, just as in Closed-Type Prison No. 2 in Vladimir, minimum visiting entitlements were unduly limited by the current legal provisions.<sup>97</sup> **The recommendation made in paragraph 98 applies equally in this context.**

Further, several prisoners interviewed at Yagul criticised the manner in which visits were organised. Visiting schedules were drawn up by a select group of inmates who allegedly omitted to put certain prisoners on visiting lists, in particular those belonging to the lowest caste in the informal prisoner hierarchy. **The CPT would like to receive the remarks of the Russian authorities on this matter.**

In addition, visits were allegedly made subject to an unofficial financial contribution to the select group of inmates mentioned above. **The Committee would like to receive the remarks of the Russian authorities on these allegations.**

104. Inmates were in principle entitled to one phone call of up to 15 minutes a week. Nevertheless, the delegation received complaints that in practice some 20 prisoners had to share one phone for one hour. **The adequacy of the phone facilities at Colony No. 1 in Yagul should be reviewed and, if necessary, additional phones should be installed.**

## **6. Sentenced prisoners assigned to pre-trial establishments or closed-type prisons under Section 77 of the Criminal Executive Code**

105. A number of sentenced prisoners held under a general colony regime had been assigned to the SIZOs visited as well as Closed-Type Prison No. 2 in Vladimir (“Vladimirskiy Tsentral”), upon their consent, to provide various services (*работа по хозяйственному обслуживанию*) by virtue of Section 77 of the Criminal Executive Code.<sup>98</sup>

106. As regards material conditions, these inmates were held in large-capacity dormitories, which were generally well lit, sufficiently ventilated, adequately equipped and in an acceptable state of repair. Conditions were cramped,<sup>99</sup> but the negative consequences of this state of affairs were attenuated by the fact that prisoners were involved in work or other activities during a significant part of the day. **The CPT recommends that in the context of the prison reform, sentenced prisoners assigned to SIZOs and closed-type prisons under Section 77 of the Criminal Executive Code be accommodated in smaller living units, respecting the standard of at least 4 m<sup>2</sup> of living space per inmate.**

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<sup>97</sup> Pursuant to Section 123 of the Criminal Executive Code, visiting entitlements are as a matter of principle limited to three short visits and three long visits per year for inmates held under ordinary conditions and four short visits and four long visits a year for inmates held under “lighter conditions”.

<sup>98</sup> It should be recalled that there were 78 such inmates at SIZO No. 4 in Moscow, 230 at SIZO No. 1 (“Kresty”) in Saint Petersburg, seven at Federal-purpose SIZO No. 3 in Saint Petersburg, 19 in SIZO No. 1 in Kazan, 95 at SIZO No. 1 in Ufa and 53 in Closed-Type Prison No. 2 in Vladimir.

<sup>99</sup> By way of illustration, at “Vladimirskiy Tsentral”, one dormitory of about 150 m<sup>2</sup> was accommodating 53 inmates.

107. The delegation found that the situation of these prisoners in terms of activities was far more favourable than that of other categories of inmate in the establishments visited. Not surprisingly, given the reasons for their assignment to these establishments, all of them had work (kitchen, bakery, maintenance work, etc.), but at “Vladimirskiy Tsentral”, 40% of them had in addition access to educational programmes (against about 1 % of the rest of establishment’s inmate population), and they were the only ones to have access to outdoor sports activities. **Care should be taken to ensure that the assignment of sentenced prisoners to SIZOs and closed-type prisons under Section 77 of the Criminal Executive Code is not to the detriment of the provision of activities to other categories of prisoner in the establishments concerned** (see also paragraph 91).

## 7. Prisoners sentenced to life imprisonment

108. Closed-Type Prison No. 2 in Vladimir (“Vladimirskiy Tsentral”) was holding four prisoners sentenced to life imprisonment who were serving part of their sentence under a closed-type prison regime; they were held in a special detention area of Block 2. Further, six lifers were held at SIZO No. 1 in Kazan, as they were on trial or witnesses in other criminal cases; they were being held in cells formerly used to accommodate inmates sentenced to the death penalty.

109. The material conditions in the cells accommodating life-sentenced prisoners at “Vladimirskiy Tsentral” were on the whole adequate in terms of in-cell lighting, ventilation and equipment. The cells measured from 8 to 9 m<sup>2</sup> (including a toilet of some 1.5 m<sup>2</sup>) and the prisoners were being held one to a cell at the time of the visit.

Material conditions were far less satisfactory at Kazan. In particular, the cells were much smaller (cells of 6.5 m<sup>2</sup>, including a 1.5 m<sup>2</sup> screened toilet) and some of them were accommodating two inmates. In fact, such cells are inadequate for one person, let alone for two. **The CPT recommends that alternative accommodation be found for life-sentenced prisoners held in Kazan which meets the standards as regards living space set out in paragraph 64 above.**

110. Apart from daily access to outdoor exercise, generally taken alone, the life-sentenced prisoners were not offered any structured out-of-cell activities. In both establishments, they generally spent 23 hours a day locked up in their cells, with little to occupy themselves apart from watching TV or reading books.

The CPT would like to recall that life imprisonment can have a number of desocialising effects upon inmates. In addition to becoming institutionalised, the prisoners concerned may experience a range of psychological problems (including loss of self-esteem and impairment of social skills). **The Committee calls upon the Russian authorities to develop a programme of purposeful activities for prisoners sentenced to life imprisonment held at Closed-Type Prison No. 2 in Vladimir (including work/education, association, sport, etc.), on the basis of comprehensive individualised sentence plans.**<sup>100</sup>

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<sup>100</sup> Reference is made, in this connection, to paragraphs 9 to 11 of the Council of Europe Committee of Ministers’ Recommendation Rec (2003) 23 on the management by prison administrations of life sentence and other long-term prisoners.

**Special efforts should also be made at SIZO No. 1 in Kazan to offer out-of-cell activities to life-sentenced prisoners (in association with other inmates) for as long as they remain in the establishment.**

111. As regards security arrangements, the CPT is pleased to learn that, shortly before the visit to SIZO No. 1 in Kazan, the management decided to put an end to the practice of routine handcuffing of lifers when the inmates concerned were taken out of their cells. By contrast, the measure of routine handcuffing applied to all lifers held at “Vladimirskiy Tsentral”. In both establishments, all out-of-cell movements were carried out in the presence of a guard dog and a member of staff of the dog support unit.<sup>101</sup>

In the opinion of the CPT, the above security arrangements are grossly excessive. **The Committee recommends that the routine handcuffing of all life-sentenced prisoners when taken out of their cells be discontinued at Closed-Type Prison No. 2 in Vladimir, as well as in any other establishments applying this measure to such inmates. The application of this measure should be exceptional, on the basis of an individual and comprehensive risk and needs assessment carried out by appropriately trained staff.**

**The systematic practice of using guard dogs in the above circumstances should also be discontinued** (see also the recommendation made in paragraph 72).

112. The delegation noted that life-sentenced prisoners could be handcuffed during medical procedures (and the provision of dental care).<sup>102</sup> In the CPT’s view, such a practice infringes upon the dignity of the prisoners concerned and prohibits the development of a proper doctor-patient relationship (and is possibly detrimental to the establishment of an objective medical finding). **The CPT recommends that steps be taken to ensure that life-sentenced prisoners are not handcuffed during medical examinations and the provision of dental care.**

113. Finally, with reference to the situation at “Vladimirskiy Tsentral”, the CPT would like to stress once again that it can see no justification for systematically segregating life-sentenced prisoners from other inmates serving sentences. Such an approach is not in line with the Council of Europe’s Committee of Ministers’ Recommendation (2003) 23 of 9 October 2003 on the management by prison administrations of life-sentenced and other long-term prisoners. The report accompanying that recommendation recalls that the assumption is often wrongly made that the fact of a life sentence implies that an inmate is dangerous in prison. The placement of persons sentenced to life imprisonment should therefore be the result of a comprehensive and ongoing risk and needs assessment, based on an individualised sentence plan, and not merely a result of their sentence. **The CPT recommends that the Russian authorities review the legislation and practice as regards the segregation of life-sentenced prisoners in FSIN establishments, in the light of these remarks.**

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<sup>101</sup> Such arrangements were also made for remand prisoners potentially facing life sentence at SIZO No. 1 (“Kresty”) in Saint Petersburg and at SIZO No. 1 in Ufa.

<sup>102</sup> At Kazan, the delegation noted that lifers were handcuffed to a ring fixed to the wall during medical examinations and while being provided with dental care.

## 8. Health-care services

### a. introduction

114. At the meeting with the CPT's President in Saint Petersburg on 5 June 2012, Mr Aleksandr Konovalov, Minister of Justice of the Russian Federation, stated that both the standards and the independence of the prison health-care services were a matter of concern to the Russian authorities.

In order to address these concerns, a pilot project (involving, initially, three subjects of the Russian Federation<sup>103</sup> and envisaged to expand to 15 subjects by the end of 2012) had been initiated.<sup>104</sup> The main feature of the project was that prison health-care services in the three subjects had been subordinated directly to the subject-level prison health-care directorates, which in turn were placed directly under the orders of the health-care directorate of the FSIN in Moscow. This way, prison health-care staff were no longer administratively dependent on the directors of the establishments in which they were working.

115. The delegation could observe the implementation of the above-mentioned pilot project in Saint Petersburg. It was clear that, while the project indeed had the potential of increasing the professional independence of prison health-care staff (by eliminating the "double loyalty" problem), there were important resource-related issues that hampered the achievement of the goal of raising the standards of care. This lack of resources – combined with the legal status differences placing the health-care staff of penitentiary establishments at a disadvantage vis-à-vis their colleagues working in "civilian" hospitals<sup>105</sup> – resulted in serious difficulties in recruiting qualified health-care staff to work within the prison system.

The delegation was informed that there were plans to significantly increase prison health-care staff salaries as from 2013, and that the ultimate goal of the authorities was to transfer the responsibility for the prison health-care services to the Ministry of Health. In this context, a tentative date of 2020 was mentioned; that said, the Ministry of Justice officials did not conceal from the delegation that this deadline might be difficult to respect, in particular due to the apparent reluctance of the Ministry of Health to accept this transfer of responsibility.

**116. The CPT would like to be informed, in due course, of progress made in the implementation of the above-mentioned pilot project and of the plans to transfer the responsibility for the prison health-care services to the Ministry of Health.** In this context, the Committee can only reiterate what it already stated in its report on the 2010 ad hoc visit to the Russian Federation,<sup>106</sup> namely that a greater involvement of the Ministry of Health in the provision of health-care services in prison will help to ensure optimal health care for prisoners, as well as implementation of the general principle of the equivalence of health care with that in the outside community.

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<sup>103</sup> I.e. the City of Saint Petersburg and the regions of Leningrad and Tver.

<sup>104</sup> The legal basis for this pilot project is the Presidential Order No. 2358 of 11 August 2010.

<sup>105</sup> In particular, prison doctors were not allowed to work in private practice. There were also differences as regards the salaries, pensions, working time, paid holidays, etc.

<sup>106</sup> See paragraph 37 of CPT (2010) 46.

b. staff and facilities

117. *Health-care staff resources* at SIZO No. 4 in Moscow (which was holding 1,720 inmates at the time of the visit) consisted of six full-time doctors' posts (including a general practitioner, a dermatologist and specialist in infectious diseases, a psychiatrist and two dentists) and one half-time radiologist. The post of general practitioner was vacant, as was that of the psychiatrist<sup>107</sup>. The health-care team also included eight feldshers (including seven full-time posts)<sup>108</sup> and six full-time nurses. All the full-time staff worked from 9 a.m. to 5 p.m. on weekdays, except for the feldshers who worked 24-hour shifts (at least one feldsher was on duty at night and at weekends). A number of outside specialists were also available on request.

At SIZO No. 1 ("Kresty") in Saint Petersburg (which was housing some 1,900 prisoners), the health-care team theoretically comprised a total of 75.5 posts: 24.5 doctors' posts, 10 feldshers' posts and 41 nurses' posts. However, there were numerous vacancies, as a result of which the actual staff was composed of 18 doctors (occupying a total of 14 full-time equivalent posts),<sup>109</sup> six full-time feldshers and 17 full-time nurses. There were also two full-time pharmacists, two X-ray technicians (occupying 1.5 posts) and a number of prisoner orderlies (see paragraph 136). During the night and at weekends, one feldsher and two nurses were present in the establishment.

Federal-purpose SIZO No. 3 in Saint Petersburg (which was holding about 40 prisoners) had a health-care team composed of a full-time doctor (anaesthesiologist by training) and two full-time feldshers, who worked on 12-hour shifts from Mondays to Fridays, and on 24-hour shifts on Saturdays and Sundays. The doctor was on call outside the regular working hours. For emergencies and specialist consultations, prisoners were transferred to the prison hospital in Saint Petersburg.

SIZO No. 1 in Kazan (which was holding some 350 prisoners) employed a full-time general practitioner, a part-time dermatologist (present in the establishment two half-days per week), a part-time radiologist (likewise, present two half-days per week), a part-time TB specialist (two days per week), a part-time dentist (who held surgeries one day per week) and a full-time pharmacist. The head of the health-care unit, a psychiatrist by training, worked full-time but was largely occupied with administrative tasks (she could consecrate some 30% of her time to working with patients); meanwhile, the psychiatrist's post had been vacant since September 2011. The health-care team was completed by four full-time feldshers and five full-time nurses, as well as an X-ray technician and a laboratory technician (both working 50% of the time). Feldshers provided 24-hour cover, and a doctor was on call on weekends.

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<sup>107</sup> Since the beginning of May 2012.

<sup>108</sup> At the time of the visit, there were three vacant posts for feldshers.

<sup>109</sup> A full-time general practitioner, two dermatologists (occupying one post), two surgeons (sharing one post), two specialists in infectious diseases (likewise occupying one post), two full-time and one psychiatrist working 50% of the time, a full-time narcologist, a full-time specialist in internal medicine, two full-time radiologists, two full-time dentists, a full-time physiotherapist, and a neurologist working 50% of the time.

The health-care team of SIZO No. 1 in Ufa (which was housing 1,460 inmates) was composed of seven full-time doctors,<sup>110</sup> six full-time feldshers<sup>111</sup> and three full-time nurses. There was also a pharmacy technician and three prisoner orderlies (see paragraph 136). One feldsher was on duty for the whole SIZO at night and at weekends. Whenever there was a need to hospitalise a prisoner or to send him/her for specialist treatment (e.g. surgery), a rapid transfer to the nearby prison hospital was possible.

Health-care staff resources at Closed-Type Prison No. 2 (“Vladimirskiy Tsentral”) in Vladimir (which was holding some 300 prisoners at the time of the visit) consisted of eight full-time doctors (three general practitioners, two neurologists, two TB specialists and a dentist), two part-time radiologists (each working three hours per day) and six full-time feldshers. One general practitioner’s post was vacant, as was that of the psychiatrist (since December 2011). All the full-time doctors worked from 8 a.m. to 5 p.m. five days a week; after 5 p.m. on weekdays and at weekends, a feldsher was on duty. A number of outside specialists was also available on request.

Finally, as compared with the 2008 periodic visit,<sup>112</sup> the health-care team of Colony No. 1 in Yagul (which was holding some 1,150 inmates) had undergone some changes: there were now seven full-time doctors<sup>113</sup> (including the head of the health-care unit, two general practitioners, a TB specialist, a radiologist, a dentist and a psychiatrist),<sup>114</sup> four feldshers,<sup>115</sup> two nurses<sup>116</sup> and two part-time medical technicians (pharmacy and laboratory). As previously, round-the-clock cover was provided by the feldshers.

118. To sum up, the health-care services of the penitentiary establishments visited were, on the whole, reasonably staffed with doctors. That said, **efforts should be made to fill the vacant doctors’ posts at SIZO No. 4 in Moscow, SIZO No. 1 (“Kresty”) in Saint Petersburg, SIZO No. 1 in Kazan and Closed-Type Prison No. 2 (“Vladimirskiy Tsentral”) in Vladimir, in particular as regards the posts of psychiatrists** (see also paragraph 131).<sup>117</sup>

As for feldshers and nurses, with the positive exceptions of SIZO No. 1 in Kazan and Federal-purpose SIZO No. 3 in Saint Petersburg, the staffing levels were insufficient to meet the needs of the respective establishments’ populations. **The CPT recommends that the number of feldshers and nurses be significantly increased in the establishments concerned (i.e. SIZO No. 4 in Moscow, SIZO No. 1 (“Kresty”) in Saint Petersburg, SIZO No. 1 in Ufa, Closed-Type Prison No. 2 (“Vladimirskiy Tsentral”) in Vladimir and Colony No. 1 in Yagul).**

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<sup>110</sup> A general practitioner, a pulmonary specialist, a specialist in internal medicine, a psychiatrist, a dentist, an X-ray specialist and a gynaecologist.

<sup>111</sup> Three working on general accommodation blocks in 24-hour shifts (followed by two days off), one working in the TB unit, one performing the function of X-ray technician and one working as laboratory technician.

<sup>112</sup> See paragraph 103 of CPT (2009) 6.

<sup>113</sup> There had been eight full-time doctors in 2008.

<sup>114</sup> By comparison with the situation observed by the CPT’s delegation in 2008, the establishment no longer had an internal diseases specialist among the medical staff.

<sup>115</sup> As compared with five in 2008.

<sup>116</sup> One in 2008.

<sup>117</sup> It is noteworthy that at SIZO No. 4 in Moscow and SIZO “Kresty”, as well as, albeit to a lesser degree, at SIZO No. 1 in Ufa, Closed-Type Prison No. 2 (“Vladimirskiy Tsentral”) and Colony No. 1 in Yagul, the delegation received complaints from prisoners about delays in access to a doctor.

119. The standard of *dental care* provided to prisoners varied in the establishments visited. The best situation was observed at the SIZOs in Kazan and Ufa, where the dentists had at their disposal modern equipment, and where conservative dental treatment (i.e. fillings) was available. At “Vladimirskiy Tsentral”, the dental surgery was undergoing refurbishment at the time of the visit, with modern equipment already delivered and awaiting installation. A modern dental chair was also seen by the delegation at SIZO No. 4 in Moscow. As regards SIZO “Kresty”, the delegation noted that the dental surgery was fitted with a new dental chair and sterilisation equipment (although some of the small instruments were old and rusty); that said, most of the dental interventions were emergency ones.

As for Colony No. 1 in Yagul, the dental equipment, although quite basic and outdated, was clean and in good working order; that said, the delegation heard complaints from the inmates about long delays in access to – and poor quality of – the dental care available (reportedly limited to extractions). Finally, no dentist was employed at Federal SIZO No. 3 in Saint Petersburg, but the delegation was assured that it was easy to arrange outside dental consultations and treatment if needed.

**The CPT recommends that steps be taken to improve the access to and the standard of dental care at SIZO No. 1 in Saint Petersburg (“Kresty”) and Colony No. 1 in Yagul; in particular, inmates in these establishments should have access to more than just emergency dental treatment.**

120. The *health-care facilities* at the establishments visited were generally acceptable.

That said, at SIZO No. 1 in Ufa, sick prisoners were accommodated in overcrowded (e.g. ten inmates in a cell measuring 27 m<sup>2</sup>), poorly lit and inadequately ventilated cells, the concrete floors of which could not be cleaned properly. Further, the delegation was informed that shutters had only recently been removed from the cell windows; there was some initial confusion as to whether this was only temporary (for the time of the planned refurbishment) or permanent. The delegation finally received firm assurances from the SIZO’s director that the shutters would not be re-installed. While welcoming this, **the CPT recommends that the refurbishment of the health-care unit at SIZO No. 1 in Ufa be considered as a matter of priority** (see also paragraph 129).

Furthermore, at SIZO No. 4 in Moscow, SIZO No. 1 in Ufa, Colony No. 1 in Yagul and Closed-Type Prison No. 2 (“Vladimirskiy Tsentral”) in Vladimir, the delegation saw caged or barred areas in the medical examination rooms, in which prisoners were placed during certain medical procedures (in particular, where blood samples were being taken); prisoners undergoing such examinations had to pass their arm through the bars.<sup>118</sup>

As repeatedly stressed by the CPT in the past,<sup>119</sup> such an approach could be considered as inhuman and degrading for both prisoners and the health-care staff concerned. Special security measures might be called for in specific cases; however, the systematic placing of prisoners in barred areas when blood (or other body fluid) samples are being taken is clearly unjustified. **The Committee again calls upon the Russian authorities to put an end to this practice in all penitentiary establishments of the Russian Federation.**

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<sup>118</sup> The delegation also saw such a caged area at SIZO No. 1 in Kazan; however, it was dismantled before the delegation left the establishment. The CPT welcomes this.

<sup>119</sup> See paragraph 100 of CPT/Inf (2003) 30, paragraph 114 of CPT (2005) 69 and paragraph 107 of CPT (2009) 6.

121. While the stocks of basic *medication* appeared adequate in all the establishments visited, there were problems with the supply of medicines for certain more complex (especially chronic) conditions, e.g. epilepsy. Many interviewed prisoners told the delegation that they depended on their families for the acquisition of such medication. A system of online purchase of medication from a centralised pharmacy had been put in place for inmates' relatives. Having said that, **the CPT reiterates its long-standing recommendation that the Russian authorities ensure that all the medication needed by the penitentiary establishments is supplied by the State in sufficient quantity.**

c. medical examination on admission

122. In all the establishments visited, prisoners were seen by a member of the health-care team (usually a feldsher) on the day of their arrival or on the next day. More detailed examination by a doctor and various tests (including screening for tuberculosis, HIV,<sup>120</sup> syphilis and hepatitis) took place in the days following arrival.<sup>121</sup>

However, it is a matter of concern that the confidentiality of medical examinations was frequently not respected:<sup>122</sup> escorting police officers, non-medical prison staff and (at Colony No. 1 in Yagul) prisoner orderlies were often present in the rooms where the initial examinations took place. **The CPT reiterates its long-standing recommendation that steps be taken to ensure that all medical examinations of prisoners are conducted out of the hearing and – unless the health-care professional concerned requests otherwise in a particular case – out of the sight of non-medical staff; under no circumstances should police officers or prisoner orderlies be present during such examinations.**

123. In most establishments visited (e.g. at the SIZOs in Moscow and Kazan), injuries observed on newly arrived prisoners were systematically recorded;<sup>123</sup> reference is made, however, to paragraph 71 in respect of Closed-Type Prison No. 2 in Vladimir and Colony No. 1 in Yagul.

124. The delegation observed that the descriptions of injuries recorded in the relevant documentation were generally inadequate, which rendered it impossible to use them as evidence in criminal proceedings. Further, the statements of prisoners as to the origins of their injuries were, as a rule, not noted down.<sup>124</sup> In addition, the conclusions of the health-care staff as to the consistency of the allegations with the medical findings were usually missing.

It is also noteworthy that the delegation found inconsistencies and discrepancies between the various registers kept in the establishments visited (as well as with the data contained in inmates' individual medical files). This was particularly the case at SIZO No. 1 ("Kresty") in Saint Petersburg.

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<sup>120</sup> Regarding the testing for HIV, see the remarks in paragraph 130.

<sup>121</sup> At SIZO "Kresty", SIZO No. 1 in Kazan and Colony No. 1 in Yagul this procedure also included a brief examination by a psychiatrist.

<sup>122</sup> See also paragraph 135.

<sup>123</sup> At SIZO No. 1 ("Kresty") in Saint Petersburg, the same procedure was followed each time a prisoner returned from an IVS or another law enforcement establishment. This is a welcome practice.

<sup>124</sup> Occasional exceptions were observed at SIZO No. 1 in Kazan.

125. **The CPT recommends that prison health-care staff receive further instructions and appropriate training on the drawing-up of medical records after screening on admission. In particular, such records should contain a full account of statements made by the person concerned which are relevant to the medical examination (including his/her description of his/her state of health and any allegations of ill-treatment) and the health-care staff's conclusions as to the consistency between any allegations made and the objective medical findings.**

Further, whenever a detained person presents injuries indicative of ill-treatment or makes allegations of ill-treatment to health-care staff, he or she must be promptly seen by a doctor qualified in forensic medicine. The detained person must be entitled to such an examination without prior authorisation from an investigator, prosecutor or judge. If necessary, the relevant legislation should be amended.

126. The CPT has stated in the past<sup>125</sup> that, in order for the procedure of recording injuries on arrival to play a key role in combating ill-treatment, all indications of ill-treatment must be systematically reported to the competent authorities.

In this context, the delegation found that the injuries – once recorded – were generally reported within a relatively short period to the relevant structures of the Investigative Committee and to the supervising prosecutor.<sup>126</sup>

That said, there were exceptions to this rule: for example, at Colony No. 1 in Yagul, the delegation was told that a report to the investigative and prosecution authorities would only be sent when there was an express complaint made by the prisoner. Further, at SIZO No. 1 in Kazan, the procedure was not to inform the Investigative Committee and the prosecutor if the inmate claimed that his injuries had occurred prior to his apprehension (or were self-inflicted).

**The CPT recommends that the practice for reporting injuries observed on newly arrived prisoners be improved at SIZO No. 1 in Kazan and Colony No. 1 in Yagul. In this context, the Committee reiterates its view that, whenever the recorded injuries are consistent with allegations of ill-treatment made by the inmate concerned (or whenever the injuries are indicative of ill-treatment, even in the absence of allegations), the record should be systematically brought to the attention of the relevant prosecutor or Investigative Committee official, regardless of the wishes of the person concerned. Further, the results of every examination, including the statements and the doctor's conclusions referred to in paragraph 125, should be made available to the prisoner and, upon request, to his/her lawyer.**

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<sup>125</sup> See, for example, paragraph 60 of the report on the 2011 ad hoc visit to the North Caucasian region of the Russian Federation, CPT (2011) 41.

<sup>126</sup> The standard procedure would be for the doctor to draw up an "act" (signed by the doctor, the prisoner and the convoy officer) and to send it to the governor. In cases when a prisoner complained of ill-treatment and – even in the absence of allegations – whenever injuries observed were serious and/or recent – the inmate would be interviewed by one of the establishment's operational officers, who would ask the prisoner to write a statement on how the injuries had been sustained. This documentation would subsequently be transmitted by the governor to the competent investigative and prosecution authorities. By means of an example, 91 such reports had been sent from SIZO "Kresty" in the period from 1 January to 24 May 2012; the figure for SIZO No. 1 in Ufa (between 1 January and 28 May 2012) was of 141 reports (including 9 with express allegations of ill-treatment by various law enforcement agencies).

More generally, the delegation noted that penitentiary establishments did not receive any feedback from the investigative and prosecution authorities on the follow-up to the reports sent to them. **The CPT recommends that the current procedure be amended so as to require the competent structures of the Investigative Committee and the prosecuting authorities to systematically inform the management of penitentiary establishments of the outcome of investigations into the reported cases of injuries sustained by prisoners.**

d. transmissible diseases

127. At the outset of the visit, the CPT's delegation was informed by senior FSIN officials of the Russian authorities' progress in combating tuberculosis within the prison system.

Screening for TB (both on arrival at the prison and, subsequently, every six months) and its treatment were generally in conformity with internationally recognised standards; further, there were no problems with the supply of anti-tuberculosis drugs. As a result, there had been a 10% reduction in the number of new TB cases recorded since the beginning of 2011, as well as a 5% reduction in TB morbidity and a 14% decrease in the number of TB-related deaths.

The Committee is pleased to note this positive trend and **encourages the Russian authorities to pursue their efforts to combat tuberculosis in the penitentiary system.**

128. That said, the delegation was concerned to note that there was no proper separation between smear-positive (BK+) and smear-negative (BK-) prisoners at the TB unit of SIZO No. 1 in Ufa. Furthermore, the WHO-recommended DOTS method was not adequately followed, namely the health-care staff did not directly supervise the taking of anti-TB drugs by the inmates concerned. **The CPT recommends that these *lacunae* be remedied as a matter of priority.**

129. Concerning the material conditions of detention for prisoners suffering from tuberculosis, particular reference should be made to the TB unit of SIZO No. 1 in Ufa, which was totally inadequate: overcrowded and poorly ventilated cells,<sup>127</sup> dilapidated and dirty toilets and showers, and lack of access to special diets (despite this being a legal requirement). Further, prisoners suffering from tuberculosis were not able to take exercise every day. The delegation was particularly struck by the design of the so-called "outdoor" exercise yards in the unit: located on the roof, these yards were covered almost entirely by a roof, leaving only small (30 x 50 cm) openings on the gable walls.

As already mentioned in paragraph 11, at the end of the visit, the delegation asked to be provided, within two months, with detailed information on action taken to remedy the situation found in the TB unit of SIZO No. 1 in Ufa (starting with the setting-up of a genuine ground-level exercise area for sick prisoners, with access allowed for at least two hours per day).

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<sup>127</sup> See also paragraph 120.

In their letter dated 29 August 2012, the Russian authorities informed the CPT that the overcrowding problem in the cells of the TB unit had been solved; however, no reference is made in the letter to the other serious deficiencies described above, nor to the action plan aimed at remedying them. Consequently, **the CPT would like to receive such a detailed action plan, no later than three months from the time of transmission of this report.**

130. Most of the penitentiary establishments visited were accommodating significant numbers of HIV-positive prisoners.<sup>128</sup>

As had been observed during previous visits to the Russian Federation, HIV tests were proposed routinely to all newly arrived inmates, in principle on a voluntary and confidential basis. For example, at SIZO “Kresty”, prisoners were asked to sign two consent forms: one concerning the testing itself and the other concerning the provision of information on the test results to “third persons” (i.e. non-medical staff).

That said, several prisoners indicated to the delegation that they had been told that a refusal to sign would automatically place them in the category of “risk prisoners”, which would have an impact on their regime. **The CPT would like to receive the remarks of the Russian authorities on these allegations.**

As regards treatment, the delegation noted that some anti-retroviral drugs were available to prisoners on the State’s expense.<sup>129</sup> While welcoming this, **the CPT recommends that the Russian authorities continue to attach a high priority to HIV/AIDS prevention and treatment within the prison system.**

e. psychiatric and psychological care

131. As already mentioned (see paragraph 117), at the time of the visit there were vacant posts of psychiatrists in the majority of the penitentiary establishments visited; in this context, **reference is made to the comment in paragraph 118.**

Further, even in those establishments where the posts of psychiatrists were filled, the treatment administered to prisoners suffering from psychiatric conditions was almost exclusively pharmacological. **The CPT recommends that efforts be made to enlarge the range of therapeutic options available to prisoners suffering from psychiatric conditions. Where necessary, the prisoners concerned should be promptly transferred to an appropriate hospital facility.**

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<sup>128</sup> For example, at the time of the visit, there were 155 HIV-positive inmates at SIZO No. 1 in Ufa and 112 at Colony No. 1 in Yagul. The delegation was also informed that 655 new HIV-positive cases had been diagnosed at SIZO “Kresty” in the course of 2011.

<sup>129</sup> For instance, some 40 inmates were receiving anti-retroviral drugs at SIZO No. 1 in Ufa, and 22 at Colony No. 1 in Yagul.

As regards Federal-purpose SIZO No. 3 in Saint Petersburg, there was no psychiatrist's post and no provision for regular visits by a consultant psychiatrist. It is noteworthy that the delegation interviewed, in the latter establishment, a female prisoner (accommodated alone in her cell for the past six months) who displayed clinical signs of depression. **The Committee recommends that steps be taken to improve access to psychiatric assistance for prisoners held at Federal-purpose SIZO No. 3 in Saint Petersburg; this should include regular visits by a psychiatrist.**

132. The delegation was pleased to note that, as compared with the 1999 visit,<sup>130</sup> the material conditions in the psychiatric unit at SIZO No. 1 ("Kresty") in Saint Petersburg had significantly improved. The cells of the unit – now located in Sections 6.1 and 6.2 of the establishment – offered conditions generally comparable with those in the other sections (see paragraph 82). However, signs of wear and tear were evident in some of the cells. The delegation also noted the poor state of the beds and the bedding, in particular in the observation/seclusion cells. More generally, the environment in the psychiatric unit was quite austere and impersonal. **The CPT recommends that steps be taken to address the above-mentioned shortcomings.**

Further, **efforts should be made to enlarge the offer of psycho-social therapeutic activities (including access to occupational therapy, group and individual psychotherapy, as well as recreational activities);** at present, the range of therapeutic options available to patients in the psychiatric unit of SIZO "Kresty" is very limited.

133. All the establishments visited (except for Federal-purpose SIZO No. 3 in Saint Petersburg) employed psychologists.<sup>131</sup> That said, as observed during previous visits, the psychologists' workloads were dominated by tasks related to the assessment of prisoners, with little time left for counselling or therapy.

Consequently, **the CPT recommends that the Russian authorities step up their efforts to develop the provision of psychological care to prisoners, in particular with respect to juveniles and prisoners serving long – including life – sentences.**

Further, **a solution should be found to offer psychological assistance to the prisoners accommodated at Federal-purpose SIZO No. 3 in Saint Petersburg.**

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<sup>130</sup> See paragraph 177 of CPT (2000) 7.

<sup>131</sup> For example, there were ten psychologists at SIZO No. 1 ("Kresty") in Saint Petersburg; seven at SIZO No. 4 in Moscow and two at SIZO No. 1 in Ufa (one working with the juveniles only).

f. medical records and confidentiality

134. As during previous visits to the Russian Federation, the medical files of prisoners examined in most establishments visited appeared to be well kept (see paragraph 71 as regards Colony No. 1 in Yagul in particular). However, the delegation was concerned to note that the confidentiality of medical information was not always respected; for example, at SIZO “Kresty” information of a medical nature was found in the inmates’ administrative files.

The CPT acknowledges that it should be possible for prison health-care professionals to inform custodial staff of particular medical treatment needs and health risks. However, there is no justification for giving staff having no health-care duties access to information concerning the diagnoses made or injuries noted (including the prisoners’ statements concerning the cause of such injuries). **The CPT recommends that measures be taken, in the light of these remarks, in order that staff with no health-care duties only have access to medical information on a strictly need-to-know basis.**

135. As already mentioned in paragraph 117, in some of the establishments visited (e.g. at SIZO No. 1 (“Kresty”) in Saint Petersburg and SIZO No. 1 in Ufa), prisoners were employed as orderlies to perform various tasks in the health-care unit, including assisting the doctors and feldshers during consultations, filling in the medical documentation and keeping the medical archives. In this context, the prisoner orderlies had access to confidential medical information concerning their fellow inmates. This is clearly unacceptable.

More generally, the CPT is of the view that the tasks of health-care staff should not be delegated to prisoners, but should be performed by suitable personnel. **The Committee recommends that the Russian authorities put an end to the practice of using prisoners in health-care units as medical orderlies** (see, in this connection, paragraph 118).

## 9. Other issues

### a. staffing issues

136. The federal norms on staff complement appeared to be more or less respected in the establishments visited.<sup>132</sup> Further, there were very few vacancies, if any, at the time of the visit. SIZO No. 4 in Moscow was an exception; there were a total of 34 vacant posts in that establishment (including about 6% of the posts in the duty service and 16% of the posts in the regime division). The building of new facilities for staff was expected to attract more staff in future. **The CPT would like to receive up-to-date information on staffing levels at SIZO No. 4 in Moscow.**

137. As was the case in the past, the small number of custodial staff in the detention areas at any given time was a common feature of the establishments visited. By way of illustration, there was approximately one staff member on duty at any given time in the detention areas for every 50 prisoners in SIZO No. 1 in Ufa or in the largest accommodation block (Block 3) of Closed-Type Prison No. 2 in Vladimir. At Yagul, there was about one staff member on duty at all times for every 150 prisoners.

In addition, the 24-hour shift pattern in place in a number of establishments visited not only negatively affected professional standards, but also resulted in the further reduction of staff actually present in the detention areas, in particular at night; some custodial staff interviewed at “Vladimirskiy Tsentral” indicated that they slept for a few hours on a rota basis during the night in order to remain fit for work.

The CPT must recall that low numbers of custodial staff in detention areas and/or specific arrangements for the presence and deployment of staff members in these areas which limit the possibilities for direct contact with prisoners increase the risk of violence and intimidation between prisoners and of tension between prison staff and prisoners, precludes the emergence of dynamic security and can undermine the development of suitable out-of-cell activity programmes for prisoners. **The Committee recommends that, taking due account of the recommendations made in paragraphs 66 and 76, the Russian authorities conduct an in-depth analysis of the number and/or deployment of custodial staff in detention areas of SIZOs/PFRSIs and of establishments for sentenced prisoners and, if necessary, revise the relevant regulations accordingly.** In this context, steps should be taken to put an end to the 24-hour shift pattern for custodial staff.

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<sup>132</sup> According to Government Regulation No. 922 of 12 August 1994, as amended in 2005, the official staff complement should correspond to 25 % of the average number of prisoners during the year in SIZOs and closed-type prisons, and to 17 % in correctional colonies.

138. As already mentioned earlier,<sup>133</sup> the Russian authorities had taken some steps to avoid situations where staff rely on certain prisoners to assist them in performing custodial tasks. However, the delegation's findings during the visit indicate that the practice continued of relying on a select group of inmates/"duty" prisoners to maintain good order in the establishments visited. The prisoners in question carried such functions on a voluntary basis or under the threat of disciplinary proceedings.<sup>134</sup> **The CPT recommends that the Russian authorities redouble their efforts to ensure that no prisoner is put in a position or obliged to exercise authority over other inmates.**

139. It appeared during the visit that it was common practice for FSIN operational staff to interview certain inmates at the request of/on behalf of the police (see, in this connection, paragraph 69). The CPT is uncomfortable with such a practice, as were operational staff interviewed in certain establishments visited (e.g. at SIZO No. 1 in Kazan), who indicated that they preferred not to meet the requests made by the police. **The Committee would like to receive the remarks of the Russian authorities on this point.**

b. discipline and segregation

140. The CPT's delegation found no evidence of excessive/abusive recourse to disciplinary confinement in the SIZOs visited.<sup>135</sup>

However, at "Vladimirskiy Tsentral", the examination of the establishment's disciplinary records revealed a large increase in disciplinary proceedings against prisoners in the months preceding the visit at the same time as the inmate population was being significantly reduced.<sup>136</sup> Many inmates interviewed considered that the sanction of disciplinary confinement imposed on them was disproportionate (e.g. seven days for not having stood with their hands clasped behind their back in front of staff).

At Colony No. 1 in Yagul, the delegation noted a frequent resort to the maximum sanction of 15 days of disciplinary confinement when such a measure was applied. Of particular concern was the continued practice of resorting to repeated placements of sentenced prisoners in disciplinary cells for consecutive periods of disciplinary confinement of up to several months on end. As stressed by the Committee in its report on the 2008 periodic visit, if a prisoner persists in committing disciplinary offences despite having been punished, the appropriate response should be to place him on administrative segregation (e.g. in cell-type premises or in "strict" conditions of detention), rather than continuing to impose the sanction of disciplinary confinement.

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<sup>133</sup> See paragraph 79.

<sup>134</sup> In the PFRSI in Yagul, "duty" prisoners could apparently face disciplinary proceedings in case of failure to ensure compliance with the internal regulations in their cells.

<sup>135</sup> It should be recalled that adult remand prisoners and inmates serving sentences in a correctional colony or a closed-type prison may be placed in disciplinary confinement for up to 15 days (see Section 38 of Federal Law No. 103-FZ of 15 July 1995 and Section 115 (c) of the Criminal Executive Code).

<sup>136</sup> There were 952 cases recorded from the beginning of 2012 until the time of the visit compared with 682 in the same period during 2011.

141. In this connection, a number of inmates interviewed in the two above-mentioned establishments complained that they had not been in a position to defend themselves. At “Vladimirskiy Tsentral”, unlike a few years previously, they were apparently not informed of the charges against them before actual placement (which allegedly generated increased tensions with staff during placement). At Yagul, legal assistance had been refused to certain inmates. Further, a large number of prisoners held at both establishments indicated that they had no formal hearing by the relevant commission before a decision on the measure of disciplinary confinement was taken. In addition, as was the case in virtually all the other establishments visited, prisoners alleged that they had not received a copy of the decision and had not been informed about appeal procedures.

142. In their letter of 29 August 2012, the Russian authorities informed the CPT that the FSIN had regularly reminded the management of all regional directorates and establishments about their obligations to ensure strict compliance with the legal provisions on discipline and segregation (in particular Sections 115, 116 and 117 of the Criminal Executive Code). As part of this reminder, it was recalled that i) the sanction should always correspond to the gravity and the nature of the offence(s) committed; ii) any sanction of disciplinary confinement should be the subject of a collective decision by the relevant commission, in the presence of the inmate concerned and taking into consideration his views; iii) repeated periods of disciplinary confinement without an interval of at least 24 hours are prohibited.<sup>137</sup>

**The CPT recommends that the Russian authorities continue to send such instructions, at regular intervals, to FSIN regional directorates and establishments. The application of future instructions should be closely monitored by FSIN and outside monitoring bodies.**

**In addition, the Committee recommends that the Russian authorities review the procedure for placement in disciplinary confinement in order to ensure that the prisoners concerned (i) are informed in writing of the charges against them, (ii) have the right to legal assistance, (iii) are given reasonable time to prepare their defence, (iv) have the right to call witnesses on their own behalf and to cross-examine evidence given against them, and (v) are provided with a copy of the decision which contains the reasons for placement and the means available to them to challenge the decision before an independent authority (e.g. a judge).**

143. The *material conditions* in the disciplinary cells for remand prisoners (*kartzers*) or sentenced prisoners (*ShIZOs*<sup>138</sup>) varied from one establishment to another.

By way of illustration, single and multi-occupancy *kartzers* at SIZO No. 4 in Moscow were generally well-lit, adequately equipped, in an excellent state of repair and clean. Nevertheless, whereas multi-occupancy cells were generally of an adequate size for their intended occupancy,<sup>139</sup> the single cells measured only 6 m<sup>2</sup>, including the toilet area, and were too narrow (i.e. less than 2 metres between walls). Further, in-cell toilets, including those found in multi-occupancy *kartzers*, were only partially screened.

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<sup>137</sup> The most recent instructions of this type were adopted on 16 February 2012.

<sup>138</sup> ШИЗО – штрафный изолятор.

<sup>139</sup> For instance, cells intended for three inmates measured some 15 m<sup>2</sup>, including a toilet area of less than 2 m<sup>2</sup>.

At Colony No. 1 in Yagul, the intended rates of occupancy in the ShIZOs had been slightly reduced since 2008; however, they remained too high (e.g. six places in a cell of 12.5 m<sup>2</sup>, including an in-cell toilet of about 0.5 m<sup>2</sup>). Further, the single ShIZO cell of 3.6 m<sup>2</sup> should no longer be used for prisoner accommodation; it was far too small and too narrow (measuring one metre between the walls). The *kartzers* at the PFRSI, measuring about 9 m<sup>2</sup>, were being refurbished at the time of the visit.

At SIZO No. 1 in Ufa, the *kartzers* were generally well lit and ventilated. However, most of them measured less than 6 m<sup>2</sup> (the size of some cells being as small as 4 m<sup>2</sup>).

The *kartzers* at SIZO No. 1 in Kazan and at “Vladimirskiy Tsentral” were among the worst seen by the delegation. They were dark, poorly ventilated and in a poor state of repair. All four *kartzers* at SIZO No. 1 in Kazan were too small (less than 6 m<sup>2</sup>) and too narrow (1.3 metres between walls). At “Vladimirskiy Tsentral”, three *kartzers* measured less than 4 m<sup>2</sup> and were dilapidated.

144. In their letter of 29 August 2012, the Russian authorities informed the CPT that, following the visit, the FSIN had made a proposal to amend the federal regulations on the construction of SIZOs and closed-type prisons in order to ensure that single disciplinary cells measure more than 6 m<sup>2</sup>. This is a welcome development.

**The Committee recommends that it be made clear in the regulations concerned that any area taken up by toilet facilities is not counted in the minimum standard of 6 m<sup>2</sup> for the size of single disciplinary cells and that any cells of this type should be sufficiently wide (at least two metres between the walls). Further, the CPT recommends that all *kartzers* measuring less than 6 m<sup>2</sup> at SIZO No. 1 in Kazan and SIZO No. 1 in Ufa be withdrawn from service or enlarged.**

The CPT is also pleased to note that, according to the Russian authorities, the three *kartzers* measuring less than 4 m<sup>2</sup> at “Vladimirskiy Tsentral” were no longer in use and are planned to be reconstructed. **The Committee trusts that the aforementioned requirements in respect of the size of single disciplinary cells will be taken into account.**

**The CPT recommends that the Russian authorities take further action to upgrade material conditions in the disciplinary cells of the establishments visited, in particular:**

- **by withdrawing from service or enlarging the single cell of less than 6 m<sup>2</sup> at Colony No. 1 in Yagul, and by reducing intended occupancy rates in multi-occupancy disciplinary cells in that establishment, with the aim of providing at least 4 m<sup>2</sup> of living space per inmate (not counting the area taken up by in-cell toilets);**
- **by refurbishing the disciplinary cells at SIZO No. 1 in Kazan and Closed-Type Prison No. 2 in Vladimir and improving access to natural light and ventilation in these cells;**
- **by ensuring that in-cell toilets in multi-occupancy cells are fully partitioned.**

145. Prisoners placed in disciplinary confinement had one hour of *outdoor exercise* per day in most establishments visited. Yagul continued to be an exception; inmates alleged that outdoor exercise was generally limited to half an hour per day. Further, the exercise yards were as small as in 2008 (from 6 to 10 m<sup>2</sup>). **The CPT reiterates its recommendation that the necessary measures be taken at Colony No. 1 in Yagul to ensure that all inmates are allowed at least one hour of outdoor exercise every day, and to enlarge and upgrade the outdoor exercise yards of the disciplinary unit.**

146. At Colony No. 1 in Yagul, a small number of prisoners on administrative segregation for preventative purposes were being held either under strict conditions of detention (SUON/SUS<sup>140</sup>) in closed section 13 or in the adjacent cell-type premises (PKT<sup>141</sup>). Both categories of prisoner were considered to constitute a threat to good order. At “Vladimirskiy Tsentral”, a few inmates serving sentences under a closed-type prison regime were segregated in a special detention area of Block 2.

147. The *placement procedures* displayed a number of shortcomings. In both establishments, inmates generally claimed that they had not been heard by the body deciding on the measure and that none of the prisoners interviewed had apparently received a copy of the decision on placement or information on appeal procedures. Further, at Yagul, PKT prisoners could be held on segregation for up to six months without the decision on initial placement being reviewed,<sup>142</sup> while SUON/SUS inmates were initially segregated for no less than nine months, irrespective of their behaviour during that long initial period<sup>143</sup>. **The CPT recommends that the Russian authorities ensure that a plan is established for every prisoner on administrative segregation for preventative purposes with a view to addressing the issues which require the inmates concerned to be kept in such conditions. The prisoner should receive a written, reasoned decision from the body deciding on the measure and an indication of how the decision may be appealed. After an initial decision, there should be a further review at least after the first month and thereafter at least every three months, at which progress against the agreed plan can be assessed and if appropriate a new plan developed.**

148. The *material conditions* in the cells for prisoners on administrative segregation at Yagul and “Vladimirskiy Tsentral” were acceptable in terms of state of repair, in-cell lighting and equipment. However, the intended rates of occupancy were too high (e.g. a cell of about 15 m<sup>2</sup>, including a toilet, intended for eight inmates at Yagul). Further, beds had to be folded in PKT cells during the day. In the CPT’s view, **such a measure should only be applied in disciplinary cells (*kartzers/ShIZOs*). As regards intended rates of occupancy in the cells for prisoners on administrative segregation for preventative purposes, the recommendations made in paragraph 64 apply equally here.**

149. At Yagul, SUON/SUS and PKT prisoners had a separate *regime*. SUON/SUS inmates could be offered some limited activities, such as association in a living area of about 30 m<sup>2</sup> or individual work. In contrast, PKT prisoners were locked up for most of the time in their cells, except for one-and-a-half hours of outdoor exercise per day.

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<sup>140</sup> *Строгие условия отбывания наказания (СУОН) / строгие условия содержания (СВС).*

<sup>141</sup> *Помещения камерного типа (ПКТ).*

<sup>142</sup> See also Section 115 of the Criminal Executive Code.

<sup>143</sup> See also Section 122 of the Criminal Executive Code.

*Contact with the outside world* was excessively limited for PKT and SUON/SUS inmates. For instance, at Yagul, SUON/SUS inmates were only entitled to two short visits and one long visit a year. PKT prisoners were subjected to even more restrictions, with only one short visit every six months, subject to the prior authorisation of the establishment's management.

**The Committee also recommends that the Russian authorities take action, including at legislative level, to provide as full a range of activities as is possible to prisoners on administrative segregation for preventative purposes and facilitate their contact with the outside world. Throughout the period of administrative segregation, the overall objective should be to persuade the prisoner to re-engage with the ordinary regime.**

150. During the visit, the delegation encountered a few cases of inmates being placed on segregation for protection purposes (at their own request), most often in conditions akin to solitary confinement. These prisoners were often placed in detention areas used to hold inmates on segregation for other reasons (disciplinary confinement or administrative segregation). At SIZO No. 4 in Moscow, for instance, one inmate on protection was being held in a disciplinary cell and had not taken daily outdoor exercise for a prolonged period for fear of being in contact with other prisoners subjected to disciplinary confinement.<sup>144</sup>

**The CPT recommends that the issue of prisoners segregated for protection purposes be addressed through a national approach, in particular by ensuring that:**

- **all alternatives, such as transferring the prisoner concerned or the prisoners causing the problem to another FSIN establishment, or mediation, are considered first;**
- **where segregation is unavoidable, the cells used for this purpose meet the same minimum standards as other forms of accommodation for prisoners on normal location;**
- **prisoners segregated for protection purposes are not held together with prisoners placed on disciplinary or administrative segregation for preventative purposes;**
- **where it is apparent that a prisoner needs long-term protection, efforts are made to improve the regime by introducing a programme of suitable activities. Where a prisoner is segregated in a single cell, special efforts should be made to identify other prisoners with whom the individual concerned might maintain safe contact, and situations where, in addition to daily outdoor exercise, they could be allowed out of their cell;**
- **psycho-social and health-care services are proactive in respect of this category of inmate, especially in terms of psychological and psychiatric care.**

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<sup>144</sup> Upon request of the delegation, the inmate in question was placed in another, ordinary, cell.

151. Section 117 (4) of the Criminal Executive Code had been amended in 2011 in order to clarify the role of health-care staff.<sup>145</sup> However, the CPT's previous recommendations on this subject had not been duly taken into account. Indeed, according to the new provisions, health-care staff are required to examine the inmate concerned before a decision is taken and to provide a medical opinion on whether, having regard to his/her state of health, placement in disciplinary confinement or administrative segregation is possible.

In the establishments visited, health-care staff had at their disposal detailed forms, which include medical conclusions on whether the inmate was fit for segregation. At the same time, it appeared during the visit that health-care staff had not always promptly examined the prisoners concerned and/or had not visited the inmates every day (even when inmates asked for a medical examination).

The CPT considers that health-care staff should be very attentive to the situation of all prisoners placed in disciplinary confinement and on segregation. The health-care staff should be informed of every such placement (including preliminary placement in disciplinary confinement) and should visit the prisoner immediately after placement and thereafter on a regular basis, at least once per day, and provide them with prompt medical assistance and treatment as required. They must report to the establishment's management whenever a prisoner's health is being put seriously at risk by being held in such conditions. However, health-care staff should never participate in any part of the decision-making process resulting in disciplinary confinement or administrative segregation, except where a measure of segregation is applied for medical reasons. Consequently, health-care staff should not be required to conclude whether a prisoner is fit to undergo disciplinary confinement as a punishment (or any other type of confinement imposed against the prisoner's wishes).<sup>146</sup> **The CPT recommends that the relevant legal provisions be amended in the light of these remarks.**

c. security arrangements

152. The use of unsuitable facilities for handling inmates considered to be aggressive or violent at "Vladimirskiy Tsentral" was of concern to the delegation. Inmates were placed alone or in groups in a totally inappropriate room (referred to as the "nulovka"), which was poorly lit, inadequately ventilated, dirty and with no other equipment than an unpartitioned toilet, for periods apparently ranging from a few hours to days on end. Such placements were clearly perceived as a punishment by the inmates in question and, in addition, were not subjected to any written record.

In their letter of 29 August 2012, the Russian authorities informed the CPT that the Vladimir regional directorate of the FSIN had improved its control over the use of these rooms in order to make sure that they are only used as intended, i.e. for temporary stays of up to 20 minutes (e.g. for body searches or when cell equipment is being repaired). The Committee welcomes this measure.

153. At Yagul, the delegation heard of cases of prisoners considered to be aggressive/agitated being handcuffed to a fixed object (e.g. handcuffing to a radiator for up to one hour in the ShIZO). **The recommendation made in the second sub-paragraph of paragraph 52 applies equally here.**

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<sup>145</sup> See Federal Law No. 5-FZ of 7 February 2011.

<sup>146</sup> See also paragraphs 62 and 63 of the 21<sup>st</sup> General Report on the CPT's activities.

154. In all the establishments visited, the delegation found interview rooms, which were equipped with cages in which prisoners were placed, often in handcuffs. **The recommendation made in the first sub-paragraph of paragraph 52 applies equally here.**

d. videosurveillance

155. During the 2012 visit, the delegation noted that there was a growing tendency to install more and more CCTV cameras in FSIN establishments. This included such installations inside cells as a matter of routine (e.g. in the new accommodation block of SIZO No. 4 in Moscow), and some directors met by the delegation indicated that it was their wish that every cell should have such coverage.

The CPT appreciates that CCTV cameras in cells can be a useful safeguard in particular cases, for example when a person is considered to be at risk of self-harm or suicide or if there is a concrete suspicion that a prisoner is carrying out activities in the cell which could jeopardise security. However, cameras cannot be a replacement for an active staff presence in high risk medical or security situations; the best way of reducing the risk posed by mentally disturbed inmates or high-security prisoners is personal interaction between staff and the relevant prisoners. Videosurveillance is also a gross intrusion into the privacy of prisoners and the decision to impose CCTV surveillance on a particular prisoner should always be based on an individual risk assessment and should be reviewed on a regular basis. Equally, videosurveillance does not produce great savings in staff time, given that monitoring the TV screens is a demanding and tiring job which can only properly be carried out over short periods with frequent breaks.

Accordingly, the Committee is opposed to the routine installation of CCTV cameras in cells and considers that the resources devoted to such schemes can more usefully be deployed in having staff interact with prisoners who pose high risks. When CCTV cameras are installed, prisoners must be fully informed of this. In addition, it is important that the recordings are maintained for at least 48 hours in all cases and indefinitely when a reportable incident has occurred.

**The CPT recommends that the Russian authorities review the use of videosurveillance in prison cells, in the light of these remarks.**

e. prisoners at risk of self-harm/suicide

156. The delegation observed a high number of cases of self-harm/suicides at Closed-Type Prison No. 2 in Vladimir,<sup>147</sup> compared with the situation observed in other establishments visited. This is all the more noteworthy when taking into account that the number of inmates in that establishment had significantly decreased within the months preceding the visit. This was a cause for concern to the management, despite efforts being made by health-care staff to provide appropriate assistance (including psychiatric care) to the inmates in question. A variety of reasons was advanced to explain this phenomenon: attempts to attract the attention of staff; attempts to obtain milder conditions of detention; acts aimed at fulfilling the orders of the leadership of the informal hierarchy among prisoners; acts in reaction to alleged ill-treatment in police establishments. **The CPT would like to receive the remarks of the Russian authorities on this matter.**

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<sup>147</sup> By way of illustration, there were 26 cases of self-harm, two suicides and one serious suicide attempt by hanging from January to May 2012.

f. complaints

157. The prisoners interviewed during the 2012 visit seemed to be generally aware of the bodies with which complaints could be lodged. However, most inmates interviewed considered these mechanisms as ineffective: some mechanisms were seen to have no power to restore their rights while other bodies were perceived as lacking independence of the FSIN authorities.

A few other inmates indicated that they had officially complained to outside bodies. However, they clearly saw a causal link between making complaints and subsequent resort to ill-treatment by staff or placement in disciplinary confinement/on administrative segregation. The delegation also heard accounts according to which staff attempted to make them sign false statements discrediting complaints lodged by other inmates.

**The CPT calls upon the Russian authorities to take action to put in place truly effective complaints procedures. The Committee also recommends that any information suggesting that a prisoner has been subjected to threats and/or reprisals for having exercised his/her right to lodge complaints or for supporting complaints made by other inmates be thoroughly investigated and, if appropriate, suitable sanctions be imposed.**

## APPENDIX I

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

#### Co-operation

##### recommendations

- the Russian authorities to take the necessary measures to act in full compliance with the principle of co-operation enshrined in Article 3 of the Convention establishing the CPT and to provide all the facilities referred to in Article 8, paragraph 2, of the Convention. This involves, *inter alia*: the provision of full lists of all places where persons may be deprived of their liberty; ensuring that visiting delegations enjoy unlimited access to such places, are provided with all the information available for the carrying out of their task and are supplied on time with credentials which clearly spell out the CPT's mandate and powers; disseminating relevant information to all the authorities and staff concerned (paragraph 8);
- on the basis of detailed action plans, the Russian authorities to take decisive steps to address the issues raised by the CPT in respect of the areas of serious concern identified in paragraph 9 (paragraph 9).

##### comments

- the CPT trusts that, in the future, its visiting delegations will be in a position to meet and hold constructive talks with the leadership of the Federal Security Service (FSB) (paragraph 4);
- the principle of co-operation encompasses the obligation to provide accurate information to the Committee and refrain from deceptive action of the kind referred to in paragraph 7 (paragraph 8);
- prisoners with whom a delegation speaks should not subsequently be interviewed by staff of the Federal Service for the Execution of Sanctions (FSIN) or other inmates on behalf of FSIN staff. Attempts to discover what interviewed persons have said to the delegation are in clear violation of the obligations of Parties to the Convention (paragraph 8).

##### requests for information

- action envisaged to implement the recommendations set out in paragraphs 28, 33 to 37, 39 to 44, 72, 76, 79 and 91 (paragraph 9).

## **Monitoring of places of deprivation of liberty**

### recommendations

- the Russian authorities to make available the necessary resources for the functioning of the public monitoring commissions and take determined action i) to ensure the independence and safety of members of these commissions, ii) to guarantee their unrestricted access to all places of deprivation of liberty and iii) to ensure that persons deprived of their liberty can always be interviewed in private by members of the commissions and under conditions which respect the dignity of both the interviewees and the interviewers. If necessary, the relevant legal provisions and/or instructions should be amended (paragraph 14);
- staff working in places of deprivation of liberty to receive the clear message that any kind of threats or intimidating action against inmates aimed at preventing them from making complaints to representatives of public monitoring commissions during their visit will be severely punished (paragraph 14);
- the attention of supervising prosecutors to be drawn to the need for exercising extra vigilance and adopting a more proactive approach in order to make sure that no case of ill-treatment goes unnoticed (paragraph 16).

### comments

- the Russian authorities are encouraged to sign and ratify the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (paragraph 13).

### requests for information

- clarification from the Russian authorities of the information received that the enforcement of an appropriate administrative sanction in respect of Internal Affairs, Federal Drug Control Service (FSKN) and FSB staff for obstructing the work of members of public monitoring commissions is rendered impossible by their legal status (paragraph 15).

## **Persons held by the police or other law enforcement agencies**

### **Preliminary remarks**

#### recommendations

- senior police and other law enforcement officials, Investigative Committee officials, prosecutors and judges to be particularly vigilant as to the possible exploitation by law enforcement operational staff of the provisions on interviews of witnesses and administrative detention to circumvent the legal time-limits and safeguards in respect of the police custody of criminal suspects (paragraph 18);
- the Russian authorities to ensure that persons remanded in custody are promptly transferred to a FSIN establishment. Any further questioning of remand prisoners by law enforcement officials which may be necessary should as far as possible be carried out in a FSIN establishment. The return of remand prisoners to law enforcement establishments should be sought only when there is absolutely no other alternative and for the shortest time possible, and be subject to authorisation by a judge, a prosecutor or an Investigative Committee official (paragraph 19);
- the Russian authorities to continue to deliver to all law enforcement officials, including through ongoing training, the clear message that those who abuse their position in order to obtain money or other advantages from persons deprived of their liberty or their relatives will be the subject of appropriate sanctions (paragraph 20).

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

#### recommendations

- the Russian authorities to strengthen action to prevent ill-treatment by the police and members of other agencies (including the FSKN and the FSB), particularly:
  - i) by giving the firmest message of “zero impunity” as regards ill-treatment, at regular intervals, to all operational officers and investigators as well as to members of Internal Affairs special forces. Where appropriate, a declaration should be adopted at the highest political level;
  - ii) by placing more emphasis on a physical evidence-based approach in the investigation phase, notably through initial and in-service training of operational officers and investigators, thereby reducing reliance on confessions obtained through interviews. In particular, training in the seizure, retention, packaging, handling and evaluation of forensic exhibits and continuity issues pertaining thereto should be further developed. Investments should also be made to ensure ready access to evidence collection tools, such as DNA technology and automated fingerprint identification systems;

- iii) by implementing a system of ongoing monitoring of interviewing standards and procedures; this would require the accurate recording of all interviews (including those carried out before a protocol of detention is drawn up), which, where possible, should be conducted with electronic recording equipment (audio, in addition to any video recordings made). It should also be required that a record be systematically kept of the time at which interviews start and end, of any request made by a detained person during an interview, and of the persons present during each interview. Further, a copy of the electronic recording should be made available to the detained person and/or his/her lawyer;
  - iv) by reminding operational officers that they should be clearly identifiable as law enforcement officials when carrying out an apprehension (e.g. by wearing an armband);
  - v) by developing further in-service training relating to the proportionate use of force in the context of an apprehension, transfer to or intervention in police or other detention facilities;
  - vi) by giving clear instructions to law enforcement officials that the use of stun devices should be confined to situations of real and immediate danger to life or of an obvious risk of serious injury. Recourse to such devices for the sole purpose of securing compliance with an order is inadmissible. Further, such weapons should not be used against vulnerable individuals (pregnant women, individuals under the influence of narcotics, persons in a state of delirium, cardiac patients, etc.);
  - vii) by reminding law enforcement officials that, where it is deemed essential to handcuff a person at the time of apprehension or during the period of custody, the handcuffs should under no circumstances be excessively tight and should be applied only for as long as is strictly necessary (paragraph 28);
- proper conduct by members of law enforcement agencies vis-à-vis detained persons to be fostered, in particular by doing more to encourage law enforcement officials to prevent colleagues from ill-treating detained persons and to report, through appropriate channels, all cases of ill-treatment by colleagues. There must be a clear understanding that culpability for ill-treatment extends beyond the actual perpetrators to anyone who knows, or should know, that ill-treatment is occurring/has occurred and fails to act to prevent or report it. This implies the existence of a clear reporting line as well as the adoption of “whistle-blower” protective measures (paragraph 29);
  - judges to be reminded, by the highest judicial authorities and/or, if necessary, through the adoption of relevant legal provisions, that they should take appropriate action whenever a person brought before them alleges that he or she has been subjected to ill-treatment by law enforcement officials. Even in the absence of an express allegation of ill-treatment, the judge should ensure that a forensic medical examination is promptly carried out whenever there are other grounds (e.g. visible injuries, a person's general appearance or demeanour) to believe that ill-treatment may have occurred (paragraph 31).

requests for information

- the remarks of the Russian authorities on the points raised in paragraph 30 as regards the investigation of complaints of ill-treatment (paragraph 30);
- detailed information on the financial and human resources made available to the newly-established specialised investigation units within the Investigative Committee of the Russian Federation and on any specific training offered to the specialised investigators and support staff (paragraph 30).

**Safeguards against ill-treatment**

recommendations

- the Russian authorities to take resolute steps to ensure that the right of notification of custody is guaranteed in practice as from the very outset of deprivation of liberty (paragraph 33);
- notification of custody to be recorded in writing and law enforcement officials to systematically inform detained persons whether and when the notification has been effected (paragraph 33);
- the Russian authorities to immediately take measures to ensure that the correct interpretation of Section 46 (4) of the Code of Criminal Procedure is made clear to all concerned and that the right of access to a lawyer becomes effective as from the very outset of a person's deprivation of liberty (and not only when a protocol of detention is drawn up) (paragraph 34);
- the Russian authorities to take action without further delay to grant administrative detainees the right to *ex officio* legal assistance and to systematically inform them of their right of access to a lawyer (paragraph 34);
- a comprehensive review of the system of *ex officio* legal assistance to be carried out, in cooperation with the relevant bar associations (paragraph 35);
- the Russian authorities to remind State-appointed lawyers, through the appropriate channels, that their duty is to represent to the best of their ability the interests of the persons to whom they have been assigned, not to act as an agent of the law enforcement or investigative authorities (paragraph 35);
- steps to be taken to ensure that, whenever the access of a person detained by law enforcement officials to the lawyer of his/her own choice is delayed/denied, the reasons for the decision are recorded, the authorisation of an Investigative Committee official (unconnected with the case at hand) is obtained and a written copy of the decision with the reasons are provided to the person concerned (paragraph 36);

- the Russian authorities to introduce legal provisions ensuring that all persons deprived of their liberty by law enforcement agencies have an effective right to be examined by a doctor (including a doctor of their own choice, it being understood that an examination by such a doctor may be carried out at the detained person's own expense) (paragraph 37);
- the Russian authorities to take immediate steps to ensure that:
  - all persons admitted to IVS establishments are properly interviewed and physically examined by qualified health-care staff on the day of their admission or the following day; the same approach should be adopted each time a person returns to an IVS cell after having been taken out by operational officers (even for a short period of time);
  - all medical examinations (whether they are carried out in hospitals or in law enforcement facilities) are conducted out of the hearing and – unless the health-care professional concerned expressly requests otherwise in a given case – out of the sight of law enforcement officials;
  - the record drawn up following the medical examination of a detained person in a hospital or law enforcement establishment contains: (i) a full account of statements made by the person concerned which are relevant to the medical examination (including his/her description of his/her state of health and any allegations of ill-treatment), (ii) a full account of objective medical findings based on a thorough examination, and (iii) as far as possible, the health-care professional's conclusions as to the consistency between injuries observed and any allegations of ill-treatment made by the person concerned;
  - whenever injuries are recorded which are consistent with allegations of ill-treatment made by a detained person (or which, even in the absence of allegations, are indicative of ill-treatment), the record is systematically brought to the attention of the competent investigative authorities, regardless of the wishes of the person concerned. Detained persons and their lawyers should be entitled to receive a copy of that record at the same time (paragraph 39);
- the Russian authorities to seriously consider the option of placing all health-care staff working in IVS facilities under the authority of a structure other than the Ministry of Internal Affairs (paragraph 39);
- the Russian authorities to ensure that in all cases where there are grounds to believe that a detained person may have been ill-treated, forensic medical expertise is promptly requested and carried out (paragraph 40);
- the relevant legislation to be amended so as to enable persons who allege ill-treatment by members of the police or other law enforcement agencies to be examined at their own initiative by a doctor with recognised forensic training, without prior authorisation from an investigating or judicial authority and regardless of whether they are deprived of their liberty (paragraph 40);

- forensic doctors working in the Republic of Tatarstan to be reminded that detained persons subjected to a forensic medical examination should always be examined physically and the results of such an examination should be recorded, in full compliance with the relevant procedure (paragraph 40);
- the Russian authorities to take steps to ensure that all persons detained by law enforcement officials are fully informed of their rights (including the right of access to a lawyer) as from the very outset of their deprivation of liberty. This should be ensured by the provision of clear verbal information at the moment of apprehension, to be supplemented at the earliest opportunity (i.e. immediately upon entry into the premises of a law enforcement agency) by the provision of a written form setting out the detained person's rights in a straightforward manner. Moreover, the form on rights should be available in an appropriate range of languages (paragraph 41);
- effective steps to be taken to ensure that detained juveniles do not make any statements or sign any documents related to the offence of which they are suspected without the benefit of a lawyer (and, in principle, of another trusted adult) being present and assisting the juvenile (paragraph 42);
- the Russian authorities to ensure that a specific information form on rights, setting out the particular position of detained juveniles and including a reference to the right to have a lawyer and, in principle, another trusted person present, is developed and given to all such persons taken into custody. Special care should be taken to explain the information carefully to ensure comprehension (paragraph 42);
- effective steps to be taken to ensure that detained foreign nationals who do not understand Russian are promptly provided with the services of an interpreter and are not requested to sign any statements or other documents without this assistance (paragraph 43);
- whenever a person is present in a law enforcement establishment for investigative purposes (including for "informal talks" and interviews with an operational officer), this must always be duly recorded (paragraph 44).

#### requests for information

- the remarks of the Russian authorities on the apparent lack of information provided to detained foreign nationals on their right of access to a consular/diplomatic representative (paragraph 43).

#### **Conditions of detention**

##### recommendations

- the Russian authorities to take decisive and urgent steps in order to ensure that:
  - all holding cells in police divisions offer adequate conditions for periods of detention of up to a few hours, in particular as regards lighting, ventilation, means of rest and state of repair/hygiene;

- such holding cells are under no circumstances used for periods of detention in excess of a few hours (and certainly not for overnight detention);
- detained persons have ready access to a toilet and drinking water (paragraph 46);
- the deficiencies mentioned in paragraph 50 as regards the IVS facilities of Krasnogvardeyskiy and Petrogradskiy Districts in Saint Petersburg, IVS No. 1 in Kazan and the Vladimir IVS to be remedied. Immediate steps should also be taken to reduce overcrowding at Gus-Khrustalniy IVS (including, where appropriate, by providing alternative accommodation in the region) (paragraph 51);
- all in-cell sanitary annexes in IVS facilities to be fully partitioned (i.e. up to the ceiling) (paragraph 51);
- all detained persons to be offered at least one hour of outdoor exercise per day in an adequate open air facility, preferably located at ground level (paragraph 51);
- the Russian authorities to remove cages in interview rooms in all IVS visited as well as in any other Internal Affairs establishments in the Russian Federation. If necessary, the relevant regulations should be amended (paragraph 52);
- the Russian authorities to take measures to ensure that the apparatus described in paragraph 52 (i.e. handcuffs fixed to the wall) is removed from the IVS No. 1 in Kazan, as well as from any other establishments in which similar devices have been installed. In the event of a person in custody acting in a highly agitated or violent manner, the use of handcuffs may be justified. However, the person concerned should not be shackled to a wall or fixed objects but rather be kept under close supervision in an appropriate setting. In case of agitation brought about by the state of health of a person being held in custody, law enforcement officials should request medical assistance and follow the instructions of the doctor (paragraph 52);
- steps to be taken at the Special Reception Centre for Persons under Administrative Arrest in Ufa:
  - to reduce the official occupancy levels in all the cells, so as to respect the standard of 4 m<sup>2</sup> of living space per detainee;
  - to continue the refurbishment and, in this context, to improve access to natural light in all the cells, as well as to provide in-cell sanitary annexes with full partitioning (up to the ceiling) (paragraph 55);
- the relevant legislation to be amended (and practical efforts made) to enlarge the offer of activities for persons under administrative arrest (e.g. more work opportunities, sports, access to TV/radio, etc.) (paragraph 55);

- the following steps to be taken in respect of the Temporary Detention Centre for Juvenile Offenders in Ufa:
  - allow the juveniles to keep some personal items within the dormitories;
  - create a proper outdoor sports area and a playground;
  - consider setting up premises where visiting relatives coming from far away may be accommodated for the night (upon payment, as appropriate) (paragraph 61).

comments

- the Russian authorities are encouraged to pursue as a matter of priority the implementation of their programme of construction and refurbishment of IVS facilities throughout the Russian Federation. In this context, structural alterations should be effected to assist wheelchair-bound and physically disabled detained persons on lines similar to those in the outside environment; such detained persons should be guaranteed access to all basic facilities, including cells, toilet and shower facilities, exercise yards and health-care services. When required, they should benefit from appropriate assistance (paragraph 51);
- at the Special Reception Centre for Persons under Administrative Arrest in Izhevsk, the design of the cell windows should be reviewed so as to allow inmates to see outside their cells and in-cell sanitary annexes should be fully partitioned (paragraph 53);
- foreign nationals awaiting deportation 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 56).

requests for information

- detailed information on new rules governing the detention of foreign nationals awaiting deportation (paragraph 56).

## **Persons in pre-trial detention or serving sentences**

### **Preliminary remarks**

#### recommendations

- the Russian authorities to pursue their concerted efforts to combat overcrowding and improve material conditions in all pre-trial establishments/units (paragraph 64);
- the Russian authorities to reinforce their regular monitoring of the observance of the standard of at least 4 m<sup>2</sup> of living space per inmate in multi-occupancy cells in all SIZOs and PFRSIs of the Russian Federation. In this context, it is essential to:
  - i) review the intended occupancy levels in each of the cells of SIZOs and PFRSIs (i.e. number of beds/sleeping places per cell) in the light of the minimum standard of 4 m<sup>2</sup>, and revise the overall official capacities of the establishments accordingly. The area taken up by in-cell toilets should not be included in this calculation;
  - ii) examine, in every SIZO/PFRSI, the actual living space per inmate in the cells at regular intervals (paragraph 64);
- single-occupancy cells to measure at least 6 m<sup>2</sup> (not counting the area taken up by in-cell toilets), and preferably to be larger (paragraph 64);
- the Russian authorities to formally amend the legislation in order to align the minimum standard of living space for sentenced prisoners with that for remand prisoners, namely 4 m<sup>2</sup> (paragraph 65);
- the Russian authorities to ensure that efforts aimed at reducing overcrowding and improving material conditions in both SIZOs and establishments for sentenced prisoners go hand-in-hand with the introduction of programmes of structured out-of-cell activities. The aim should be to enable prisoners to spend as many hours as possible each day outside their cells (preferably eight hours or more) and to participate in regular, purposeful and varied activities (work, education, sport, etc.) tailored to the needs of each category of prisoner (adult remand or sentenced prisoners, inmates serving life sentences, female prisoners, juveniles, etc.) (paragraph 66).

#### requests for information

- detailed information on the steps being taken in view of the implementation of the pilot-judgment of the European Court of Human Rights in the case of *Ananyev and Others v. Russia* (paragraph 64);
- updates on the increased resort to alternatives to imprisonment and on the (re)construction of establishments for sentenced prisoners (paragraph 65).

### **Ill-treatment**

#### recommendations

- the Russian authorities to continue to issue, at regular intervals and from the highest level, detailed instructions to all FSIN staff about their obligations in relation to the treatment of inmates as well as regarding resort to force and “special means”. It should also be made clear to staff working at “Vladimirskiy Tsentral” and Colony No. 1 in Yagul that any FSIN official committing, aiding and abetting or tolerating ill-treatment, in any form, will be severely punished. Further, staff working in these two establishments as well as staff working in SIZO No. 1 in Ufa should be reminded that physical force and “special means” should only be applied when – and to the extent – strictly necessary to maintain security and order, and never as a form of punishment (paragraph 72);
- FSIN senior officials and outside monitoring bodies visiting Colony No. 1 in Yagul to pay extra vigilance to the due recording in the relevant documentation of all instances of use of force and “special means” against prisoners (paragraph 72);
- the Russian authorities to review the legal framework on the use of “special means”. A rubber baton should only be used when there is a risk to life or limb and only to address that threat directly, and guard dogs should not be used for routine prison duties involving direct contact with inmates (paragraph 72);
- the Russian authorities to take action to improve the recruitment procedures and professional training of all FSIN staff with a view to preparing them to adopt a new relationship with prisoners and move towards creating a dynamic rather than a purely static approach to security and order. In this connection, an end should be put to anachronistic and potentially degrading practices relating to routine contacts with inmates such as those described in paragraph 76 (paragraph 76);
- the Russian authorities to redouble their efforts in combating inter-prisoner violence and intimidation in FSIN establishments, notably:
  - by clearly and regularly reminding staff of Closed-Type Prison No. 2 in Vladimir, including the PFRSI, and Colony No. 1 in Yagul that any member staff tolerating, encouraging or colluding in punitive action against prisoners by other inmates or any other form of inter-prisoner violence or intimidation will be the subject of criminal proceedings. Outside monitoring and investigating bodies should pay particular attention to any instances of possible exploitation of the informal hierarchy among prisoners by staff;
  - by adopting a strategy at the federal level for combating inter-prisoner violence and intimidation related to the informal hierarchy among inmates;
  - by further rationalising the assessment, classification and allocation of individual prisoners, with the aim of ensuring that prisoners are not exposed to other inmates who may cause them harm (paragraph 79).

comments

- keeping specific registers on the use of force and “special means” should be a legal requirement (paragraph 72);
- if it is considered necessary for FSIN custodial staff to carry batons, they should be hidden from view (paragraph 73).

requests for information

- on the outcome of the investigation referred to in paragraph 68 (paragraph 68);
- the remarks of the Russian authorities on the alleged misuse of video equipment referred to in paragraph 74 (paragraph 74);
- whether the newly-established specialised units of the Investigative Committee of the Russian Federation dealing with complaints against law enforcement officials will have the power to inquire into possible ill-treatment of inmates by FSIN staff (paragraph 75).

**Remand prisoners**

recommendations

- the recommendations in paragraph 64 concerning living space per prisoner to be rigorously applied in the establishments visited, taking into account also the additional remarks in paragraph 81. In this context, consideration should be given to modifying and rendering more flexible the current provisions requiring separate accommodation of different categories of remand prisoners (paragraph 86);
- the Russian authorities to ensure at SIZO No. 1 in Kazan that every prisoner is provided with an individual sleeping place (paragraph 86);
- the Russian authorities to pursue the ongoing refurbishment programmes in the SIZOs/PFRSIs visited in Moscow, Saint-Petersburg, Kazan, Vladimir and Yagul, and in this context, to move away from large-capacity cells towards smaller living units, and to ensure that the sanitary annexes in all cells are fitted with a full partition (i.e. up to the ceiling) (paragraph 86);
- the Russian authorities to reconsider the design of the cell windows in the new accommodation block of SIZO No. 4 in Moscow so as to allow inmates to see outside their cells (paragraph 86);
- the Russian authorities to give a high priority to implementing plans to build a new SIZO in the outskirts of Ufa and to decommission the current premises of SIZO No. 1 in Ufa as soon as the new SIZO enters into service. In the meantime, active steps should be taken to reduce the inmate population and ensure a more even allocation of inmates to the cells (paragraph 87);

- steps to be taken in all the SIZOs and PFRSIs visited to ensure that prisoners have the possibility of genuine physical exertion every day; this will require enlarging most of the exercise yards. As for SIZO No. 4 in Moscow and the PFRSIs located on the premises of Closed-Type Prison No. 2 in Vladimir and Colony No. 1 in Yagul, the current yards located on the roofs of the accommodation blocks should be replaced by outdoor exercise facilities located at ground level (paragraph 89);
- the Russian authorities to give the highest priority to a fundamental review of the regime for remand prisoners taking into account the elements already identified by the CPT in paragraph 66. In this connection, steps should be taken to ensure that, when designing and constructing new SIZOs or units for remand prisoners, provision is made for association with prisoners from other cells, proper outdoor exercise, work and other meaningful activities (paragraph 91);
- any restriction/prohibition placed on remand prisoners as regards contact with other inmates and the outside world (visits, phone calls and correspondence) to be specifically substantiated by the needs of the investigation, to require the approval of a judicial authority, and to be applied for a specified period of time, with reasons stated (paragraph 91).

#### comments

- the Russian authorities are invited to consider the possibility of increasing the frequency of prisoners' access to a shower in the SIZOs and PFRSIs visited, as well as in all other pre-trial establishments/units in the Russian Federation, taking into consideration Rule 19.4 of the European Prison Rules (paragraph 86);
- the Russian authorities are invited to rectify the apparent design fault as regards the exercise yards at the future SIZO "Kresty 2" in Kolpino (near Saint Petersburg), which were relatively small (paragraph 89).

#### requests for information

- more detailed information about the new SIZO in Ufa (design of cell accommodation; number and categories of inmates to be accommodated; programme of activities; staff, etc.) (paragraph 87);
- more details about plans to construct a new SIZO in the Kazan area (paragraph 87);
- the entry into service of the new SIZO in Kolpino and more detailed information about the establishment (number and categories of inmates accommodated; programme of activities; staff, etc.) (paragraph 88);
- whether there are plans to continue using the existing facility of SIZO No. 1 ("Kresty") in Saint Petersburg as a penitentiary establishment (paragraph 88).

**Sentenced prisoners subjected to a closed-type prison (*tyurma*) regime – visit to Closed-Type Prison No. 2 in Vladimir (“Vladimirskiy Tsentral”)**

recommendations

- in the context of the prison reform process, the Russian authorities to review their approach to assigning sentenced prisoners to different types of regime, in the light of the remarks made in paragraph 92. If necessary, the law should be amended (paragraph 92);
- the official occupancy levels in the cells (i.e. number of beds per cell) of Blocks 2 and 3 to be reviewed in the light of the standard of at least 4 m<sup>2</sup> of living space per inmate in multi-occupancy cells (not counting the area taken up by the toilet) (paragraph 95);
- the Criminal Executive Code to be amended so as to ensure that prisoners are not deprived of outdoor exercise in the case of breach of internal regulations (paragraph 96);
- the outdoor exercise facilities of accommodation blocks 2 and 3 to be located at ground level, to be increased in size so as to allow all prisoners to exert themselves physically and to be appropriately equipped (paragraph 96);
- the Russian authorities to ensure that all sentenced prisoners, irrespective of the regime applied to them, benefit from the same minimum visiting entitlement, in particular as regards short visits. The relevant legislation should be amended so as to ensure that any restrictions on sentenced prisoners' visits are based exclusively on security concerns of an appreciable nature assessed on a case-by-case basis rather than applied automatically as part of the sentence (paragraphs 98 and 103).

comments

- the single cells in Block 1 were too narrow (i.e. less than two metres between the walls) (paragraph 94);
- the Russian authorities should pursue the ongoing refurbishment of cells in Blocks 2 and 3 with a view to providing all inmates with the same minimum standards as regards state of repair, in-cell lighting and toilet facilities (which should be fitted with a full partition) (paragraph 95);
- the Russian authorities are invited to pursue their efforts to provide prisoners serving part of their sentences under a closed-prison regime with a suitable programme of purposeful activities of a varied nature (including vocational training, education, sport, and targeted rehabilitation programmes). This programme should be drawn up and reviewed on the basis of an individualised needs and risk assessment by a multi-disciplinary team, in consultation with the inmates concerned (paragraph 97).

requests for information

- confirmation that Block 1 has entered into service (paragraph 94);
- information on the sizes of the outdoor exercise yards of Block 1 (paragraph 96).

**Prisoners serving sentences under a strict colony regime – follow-up visit to Strict-Regime Correctional Colony No. 1 in Yagul**

recommendations

- the recommendations made in paragraph 64 concerning living space in multi-occupancy cells (i.e. at least 4 m<sup>2</sup> per prisoner, not counting the area taken up by in-cell toilets) and the size of single-occupancy cells (i.e. at least 6 m<sup>2</sup>, not counting the area taken up by in-cell toilets, and preferably larger) apply equally to the transformation of the current prisoner accommodation into cells at Colony No. 1 in Yagul and other establishments of this type (paragraph 100).

comments

- pending the transformation of the current prisoner accommodation into cells, the Russian authorities are invited to continue their efforts to reduce the prison population at Yagul, with the objective of offering at least 4 m<sup>2</sup> of living space per inmate in the establishment's dormitories (paragraph 100);
- the CPT trusts that, after the reconstruction of the establishment, prisoners will continue to have access during the day to outdoor exercise areas of an adequate size, equipped with a means of rest and shelter against inclement weather (paragraph 101);
- there should be no question of compelling prisoners to take outdoor exercise; if a particular prisoner does not wish to take outdoor exercise on a given day, his wish should be respected (paragraph 101);
- the Russian authorities are encouraged to support the management of Colony No. 1 in Yagul in its efforts to provide as many prisoners as possible with a broad range of purposeful activities (including work, preferably of vocational value, education and rehabilitation programmes). These activities should be offered on the basis of individual sentence plans reviewed at regular intervals, after consultations among the relevant staff and, as far as possible, with the prisoners concerned (paragraph 102);
- the adequacy of the phone facilities at Colony No. 1 in Yagul should be reviewed and, if necessary, additional phones should be installed (paragraph 104).

requests for information

- the remarks of the Russian authorities on the allegations that visiting schedules at Colony No. 1 in Yagul were drawn up by a select group of inmates, who omitted to put certain prisoners on visiting lists (paragraph 103);
- the remarks of the Russian authorities on the allegations that visits were made subject to unofficial financial contribution to the above-mentioned group of inmates (paragraph 103).

## **Sentenced prisoners assigned to pre-trial establishments or closed-type prisons under Section 77 of the Criminal Executive Code**

### recommendations

- in the context of the prison reform, sentenced prisoners assigned to SIZOs and closed-type prisons under Section 77 of the Criminal Executive Code to be accommodated in smaller living units, respecting the standard of at least 4 m<sup>2</sup> of living space per inmate (paragraph 106).

### comments

- care should be taken to ensure that the assignment of sentenced prisoners to SIZOs and closed-type prisons under Section 77 of the Criminal Executive Code is not to the detriment of the provision of activities to other categories of prisoner in the establishments concerned (paragraph 107).

## **Prisoners sentenced to life imprisonment**

### recommendations

- alternative accommodation to be found for life-sentenced prisoners held at SIZO No. 1 in Kazan which meets the standards as regards living space set out in paragraph 64 (paragraph 109);
- the Russian authorities to develop a programme of purposeful activities for prisoners sentenced to life imprisonment held at Closed-Type Prison No. 2 in Vladimir (including work/education, association, sport, etc.), on the basis of comprehensive individualised sentence plans (paragraph 110);
- the routine handcuffing of all life-sentenced prisoners when taken out of their cells to be discontinued at Closed-Type Prison No. 2 in Vladimir, as well as in any other establishments applying this measure to such inmates. The application of this measure should be exceptional, on the basis of an individual and comprehensive risk and needs assessment carried out by appropriately trained staff (paragraph 111);
- the systematic practice of using guard dogs during out-of-cell movements of life-sentenced prisoners to be discontinued (paragraph 111);
- steps to be taken to ensure that life-sentenced prisoners are not handcuffed during medical examinations and the provision of dental care (paragraph 112);
- the Russian authorities to review the legislation and practice as regards the segregation of life-sentenced prisoners in FSIN establishments, in the light of the remarks in paragraph 113 (paragraph 113).

comments

- special efforts should be made at SIZO No. 1 in Kazan to offer out-of-cell activities to life-sentenced prisoners (in association with other inmates) for as long as they remain in the establishment (paragraph 110).

**Health-care services**

recommendations

- the number of feldshers and nurses to be significantly increased in SIZO No. 4 in Moscow, SIZO No. 1 (“Kresty”) in Saint Petersburg, SIZO No. 1 in Ufa, Closed-Type Prison No. 2 (“Vladimirskiy Tsentral”) in Vladimir and Colony No. 1 in Yagul (paragraph 118);
- steps to be taken to improve the access to and the standard of dental care at SIZO No. 1 in Saint Petersburg (“Kresty”) and Colony No. 1 in Yagul; in particular, inmates in these establishments should have access to more than just emergency dental treatment (paragraph 119);
- the refurbishment of the health-care unit at SIZO No. 1 in Ufa to be considered as a matter of priority (paragraph 120);
- the Russian authorities to put an end, in all penitentiary establishments of the Russian Federation, to the practice of placing prisoners in caged or barred areas during certain medical procedures (paragraph 120);
- the Russian authorities to ensure that all the medication needed by the penitentiary establishments is supplied by the State in sufficient quantity (paragraph 121);
- steps to be taken to ensure that all medical examinations of prisoners are conducted out of the hearing and – unless the health-care professional concerned requests otherwise in a particular case – out of the sight of non-medical staff; under no circumstances should police officers or prisoner orderlies be present during such examinations (paragraph 122);
- prison health-care staff to receive further instructions and appropriate training on the drawing-up of medical records after screening on admission. In particular, such records should contain a full account of statements made by the person concerned which are relevant to the medical examination (including his/her description of his/her state of health and any allegations of ill-treatment) and the health-care staff’s conclusions as to the consistency between any allegations made and the objective medical findings (paragraph 125);
- whenever a prisoner presents injuries indicative of ill-treatment or makes allegations of ill-treatment to health-care staff, he or she must be promptly seen by a doctor qualified in forensic medicine. The prisoner must be entitled to such an examination without prior authorisation from an investigator, prosecutor or judge. If necessary, the relevant legislation should be amended (paragraph 125);

- the practice for reporting injuries observed on newly arrived prisoners to be improved at SIZO No. 1 in Kazan and Colony No. 1 in Yagul. Whenever the recorded injuries are consistent with allegations of ill-treatment made by the inmate concerned (or whenever the injuries are indicative of ill-treatment, even in the absence of allegations), the record should be systematically brought to the attention of the relevant prosecutor or Investigative Committee official, regardless of the wishes of the person concerned. Further, the results of every examination, including the statements and the doctor's conclusions referred to in paragraph 125, should be made available to the prisoner and, upon request, to his/her lawyer (paragraph 126);
- the current procedure to be amended so as to require the competent structures of the Investigative Committee and the prosecuting authorities to systematically inform the management of penitentiary establishments of the outcome of investigations into the reported cases of injuries sustained by prisoners (paragraph 126);
- at the TB unit of SIZO No. 1 in Ufa, steps to be taken as a matter of priority to ensure proper separation between smear-positive (BK+) and smear-negative (BK-) prisoners and direct supervision of the taking of anti-TB drugs by the inmates concerned (paragraph 128);
- the Russian authorities to continue to attach a high priority to HIV/AIDS prevention and treatment within the prison system (paragraph 130);
- efforts to be made to enlarge the range of therapeutic options available to prisoners suffering from psychiatric conditions in the establishments visited. Where necessary, the prisoners concerned should be promptly transferred to an appropriate hospital facility (paragraph 131);
- steps to be taken to improve access to psychiatric assistance for prisoners held at Federal-purpose SIZO No. 3 in Saint Petersburg; this should include regular visits by a psychiatrist (paragraph 131);
- as regards the psychiatric unit at SIZO No. 1 ("Kresty") in Saint Petersburg, steps to be taken to address the shortcomings described in paragraph 132 (paragraph 132);
- the Russian authorities to step up their efforts to develop the provision of psychological care to prisoners, in particular with respect to juveniles and prisoners serving long – including life – sentences (paragraph 133);
- measures to be taken, in the light of the remarks in paragraph 134, in order that FSIN staff with no health-care duties only have access to medical information on a strictly need-to-know basis (paragraph 134);
- the Russian authorities to put an end to the practice of using prisoners in health-care units as medical orderlies (paragraph 135).

comments

- at SIZO No. 4 in Moscow, SIZO No. 1 (“Kresty”) in Saint Petersburg, SIZO No. 1 in Kazan and Closed-Type Prison No. 2 (“Vladimirskiy Tsentral”) in Vladimir, efforts should be made to fill the vacant doctors’ posts, in particular as regards the posts of psychiatrists (paragraphs 118 and 131);
- the Russian authorities are encouraged to pursue their efforts to combat tuberculosis in the penitentiary system (paragraph 127);
- in the psychiatric unit at SIZO No. 1 (“Kresty”), efforts should be made to enlarge the offer of psycho-social therapeutic activities (including access to occupational therapy, group and individual psychotherapy, as well as recreational activities) (paragraph 132);
- a solution should be found to offer psychological assistance to the prisoners accommodated at Federal-purpose SIZO No. 3 in Saint Petersburg (paragraph 133).

requests for information

- on progress in the implementation of the pilot project referred to in paragraphs 114 and 115 and on the plans to transfer the responsibility for the prison health-care services to the Ministry of Health (paragraph 116);
- a detailed action plan aimed at remedying the deficiencies observed at the TB unit of SIZO No. 1 in Ufa and described in paragraph 129 (paragraph 129);
- the remarks of the Russian authorities on the allegations that prisoners had been told that a refusal to sign consent forms on HIV testing and the provision of information on the test results to “third persons” (i.e. non-medical staff) would automatically place them in the category of “risk prisoners” (paragraph 130).

**Other issues**

recommendations

- taking due account of the recommendations made in paragraphs 66 and 76 on the provision of structured out-of-cell activities and staff-inmate relations, the Russian authorities to conduct an in-depth analysis of the number and/or deployment of custodial staff in detention areas of SIZOs/PFRSIs and of establishments for sentenced prisoners and, if necessary, revise the relevant regulations accordingly (paragraph 137);
- the Russian authorities to redouble their efforts to ensure that no prisoner is put in a position or obliged to exercise authority over other inmates (paragraph 138);
- the Russian authorities to continue to send instructions on discipline and segregation such as those referred to in paragraph 142, at regular intervals to FSIN regional directorates and establishments. The application of future instructions should be closely monitored by FSIN and outside monitoring bodies (paragraph 142);

- the Russian authorities to review the procedure for placement in disciplinary confinement in order to ensure that the prisoners concerned (i) are informed in writing of the charges against them, (ii) have the right to legal assistance, (iii) are given reasonable time to prepare their defence, (iv) have the right to call witnesses on their own behalf and to cross-examine evidence given against them, and (v) are provided with a copy of the decision which contains the reasons for placement and the means available to them to challenge the decision before an independent authority (e.g. a judge) (paragraph 142);
- that it be made clear in the regulations on the construction of SIZOs and closed-type prisons that any area taken up by toilet facilities is not counted in the minimum standard of 6 m<sup>2</sup> for the size of disciplinary cells and that any cells of this type should be sufficiently wide (at least two metres between the walls) (paragraph 144);
- all *kartzers* measuring less than 6 m<sup>2</sup> at SIZO No. 1 in Kazan and SIZO No. 1 in Ufa to be withdrawn from service or enlarged (paragraph 144);
- the Russian authorities take further action to upgrade material conditions in the disciplinary cells of the establishments visited, in particular:
  - by withdrawing from service or enlarging the single cell of less than 6 m<sup>2</sup> at Colony No. 1 in Yagul, and by reducing intended occupancy rates in multi-occupancy disciplinary cells in that establishment, with the aim of providing at least 4 m<sup>2</sup> of living space per inmate (not counting the area taken up by in-cell toilets);
  - by refurbishing the disciplinary cells at SIZO No. 1 in Kazan and Closed-Type Prison No. 2 in Vladimir and improving access to natural light and ventilation in these cells;
  - by ensuring that in-cell toilets in multi-occupancy cells are fully partitioned (paragraph 144);
- the necessary measures to be taken at Colony No. 1 in Yagul to ensure that all inmates in disciplinary confinement are allowed at least one hour of outdoor exercise every day, and to enlarge and upgrade the outdoor exercise yards of the disciplinary unit (paragraph 145);
- the Russian authorities to ensure that a plan is established for every prisoner on administrative segregation for preventative purposes with a view to addressing the issues which require the inmates concerned to be kept in such conditions. The prisoner should receive a written, reasoned decision from the body deciding on the measure and an indication of how the decision may be appealed. After an initial decision, there should be a further review at least after the first month and thereafter at least every three months, at which progress against the agreed plan can be assessed and if appropriate a new plan developed (paragraph 147);

- the recommendations made in paragraph 64 concerning living space per prisoner apply equally to cells for prisoners on administrative segregation for preventative purposes (paragraph 148);
- the Russian authorities to take action, including at legislative level, to provide as full a range of activities as is possible to prisoners on administrative segregation for preventative purposes and facilitate their contact with the outside world. Throughout the period of administrative segregation, the overall objective should be to persuade the prisoner to re-engage with the ordinary regime (paragraph 149);
- the issue of prisoners segregated for protection purposes to be addressed through a national approach, in particular by ensuring that:
  - all alternatives, such as transferring the prisoner concerned or the prisoners causing the problem to another FSIN establishment, or mediation, are considered first;
  - where segregation is unavoidable, the cells used for this purpose meet the same minimum standards as other forms of accommodation for prisoners on normal location;
  - prisoners segregated for protection purposes are not held together with prisoners placed on disciplinary or administrative segregation for preventative purposes;
  - where it is apparent that a prisoner needs long-term protection, efforts are made to improve the regime by introducing a programme of suitable activities. Where a prisoner is segregated in a single cell, special efforts should be made to identify other prisoners with whom the individual concerned might maintain safe contact, and situations where, in addition to daily outdoor exercise, they could be allowed out of their cell;
  - psycho-social and health-care services are proactive in respect of this category of inmate, especially in terms of psychological and psychiatric care (paragraph 150);
- the legal provisions on the role of health-care staff in the context of placement in disciplinary confinement or administrative segregation to be amended, in the light of the remarks in paragraph 151 (paragraph 151);
- measures to be taken to ensure that, in the event of a prisoner acting in a highly agitated or violent manner, the person concerned is not shackled to a wall or fixed objects but rather kept under close supervision in an appropriate setting. In case of agitation brought about by the state of health of an inmate, prison staff should request medical assistance and follow the instructions of health-care personnel (paragraph 153);
- the Russian authorities to remove cages in interview rooms in all FSIN establishments visited as well as in any other FSIN establishments in the Russian Federation. If necessary, the relevant regulations should be amended (paragraph 154);

- the Russian authorities to review the use of videosurveillance in prison cells, in the light of the remarks in paragraph 155 (paragraph 155);
- the Russian authorities to take action to put in place truly effective complaints procedures (paragraph 157);
- any information suggesting that a prisoner has been subjected to threats and/or reprisals for having exercised his/her right to lodge complaints or for supporting complaints made by other inmates to be thoroughly investigated and, if appropriate, suitable sanctions to be imposed (paragraph 157).

comments

- steps should be taken to put an end to the 24-hour shift pattern for custodial staff (paragraph 137);
- the CPT trusts that the requirements mentioned in paragraph 144 in respect of the size of single disciplinary cells will be taken into account when reconstructing the *kartzers* measuring less than 4 m<sup>2</sup> at Closed-Type Prison No. 2 in Vladimir (“Vladimirskiy Tsentral”) (paragraph 144);
- the measure consisting of folding beds during the day should only be applied in disciplinary cells (*kartzers/ShIZOs*) (paragraph 148).

requests for information

- up-to-date information on staffing levels at SIZO No. 4 in Moscow (paragraph 136);
- the remarks of the Russian authorities on the practice of FSIN operational staff interviewing certain inmates at the request of/on behalf of the police (paragraph 139);
- the remarks of the Russian authorities on the high number of cases of self-harm/suicides at Closed-Type Prison No. 2 in Vladimir (“Vladimirskiy Tsentral”) (paragraph 156).

**APPENDIX II**

**LIST OF AUTHORITIES AND ORGANISATIONS WITH WHICH THE  
CPT'S DELEGATION HELD CONSULTATIONS**

**Government authorities**

Ministry of Internal Affairs

Mr Aleksandr GOROVOY	First Deputy Minister
Mr Aleksandr MELNIKOV	First Deputy Head of the Police General Directorate of Public Order
Mr Igor VOYNOV	Deputy Head of the Police Directorate for Saint Petersburg and Leningrad Region
Mr Aleksandr OVCHINNIKOV	Deputy Head, Ministry of Internal Affairs for the Republic of Bashkortostan

Ministry of Justice

Mr Aleksandr SMIRNOV	Deputy Minister
Mr Dmitri ARISTOV	Head of the Directorate of Legal Standard Setting, Analysis and Control in the Field of the Execution of Criminal Sanctions and Judicial Action

*Federal Service for the Execution of Sentences (FSIN)*

Mr Nikolay KRIVOLAPOV	Deputy Director
Mr Vladislav TSATUROV	Deputy Director
Mr Aleksandr TIKHONOV	Head of the Medical and Sanitary Directorate
Mr Igor POTAPENKO	Head of the Directorate for Saint Petersburg and Leningrad Region

**Investigative Committee of the Russian Federation**

Mr Aleksandr BASTRYKIN	Chairman
Mr Vasily PISKAREV	First Deputy Chairman
Mr Boris KARNAUKHOV	Deputy Chairman
Mr Mikhail YADROV	Head of the Directorate of International Law Co-operation
Mr Anatoly VASILYEV	Head of the Main Directorate for Procedural Control
Mr Aleksey KASYANOV	Head of the Investigation Department for the Republic of Bashkortostan

**Prosecution Service of the Russian Federation**

Sergey TARAKANOV                      Head of the Directorate of Oversight of Legality of Execution  
of Criminal Sanctions

**Regional and republican authorities**

Mr Gennady VOLKOV                      First Deputy Chairman of the Public Order and Security  
Committee of Saint Petersburg and Leningrad Region

**Plenipotentiaries for Human Rights**

Office of the Plenipotentiary for Human Rights of the Russian Federation

Mr Georgiy KUNADZE                      Deputy Head of Office

Office of the Plenipotentiary for Human Rights for the Leningrad Region

Mr Mikhail KOZMINYKH                      Plenipotentiary for Human Rights

Office of the Plenipotentiary for Human Rights for the Republic of Tatarstan

Ms Saria SABURSKAYA                      Plenipotentiary for Human Rights

**Council of the Civic Chamber of the Russian Federation**

Mr Vladislav GRYB                      Deputy Secretary

**Public Monitoring Commissions (PMCs)**

PMCs for Moscow city and Moscow Region  
PMCs for Saint Petersburg and Leningrad Region  
PMC for the Republic of Bashkortostan  
PMC for the Republic of Tatarstan  
PMC for the Republic of Udmurtia  
PMC for Vladimir Region

**Non-governmental organisations**

All-Russia Public Movement "For Human Rights"  
Committee Against Torture  
Moscow Centre for Prison Reform  
Moscow Helsinki Group