

## **Response**

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

**from 21 May to 4 June 2012**

The Russian Government has requested the publication of this response. The report of the CPT on its May/June 2012 visit to the Russian Federation is set out in document CPT/Inf (2013) 41.

Strasbourg, 17 December 2013



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**COMMENTARIES OF THE RUSSIAN FEDERATION ON URGENT QUESTIONS OF THE REPORT CARRIED OUT 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.**

On paragraph 33 of the report:

The procedure of notification on detaining the suspect is provided by Article 96 of the Code of Criminal Procedure (CCP) of the Russian Federation, according to which the inquirer or the investigator is obliged to notify relatives of the suspect not later than in twelve hours from the moment of his detainment, or to provide an opportunity for making such notification to the suspect himself.

On paragraph 72 of the report:

The use of force and “special means” against prisoners and persons in custody in penitentiary establishments and investigative isolators (SIZOs) is regulated by Law 5473-1 of 21 July 1993 on Establishments and Bodies Executing Penal Punishments in the Form of Deprivation of Liberty and Federal Law FZ-103 of 15 July 1995 on Custody of Persons Suspected and Accused of Committing a Crime.

In accordance with departmental orders of the Ministry of Justice of the Russian Federation, that regulate the procedure of supervising prisoners and persons in custody, after each case of use of force and “special means” all documentation has to be prepared promptly in compliance with established requirements.

Each case is recorded in specific registers on information on incidents, after what an official inspection of these registers excludes the possibility of participation of staff members involved in the incident. The results of the inspection are forwarded to appropriate competent authorities in order to make a procedural decision in accordance with Articles 144, 145 of the CCP of the Russian Federation. In cases when the suspects’ or prisoners’ injuries are a result of the use of force or “special means” in establishments emergency medical aid is rendered to the injured, the detected injuries are recorded in relevant medical documentation and in documentation on the use of force and “special means”.

In compliance with FSIN instructions improvement of law enforcement in cases of use of force and “special means” is ensured.

Thus FSIN territorial authorities of the Russian Federation will exercise control over the compliance of all cases of use of force and “special means” against suspects, accused persons and prisoners with the requirements of Law 5473-1 of 21 July 1993 on Establishments and Bodies Executing Penal Punishments in the Form of Deprivation of Liberty. Reports and acts on the use of force and “special means” are timely prepared and examined, the prisoners concerned are promptly and thoroughly examined and the results of the medical examination are properly recorded. The appropriate FSIN territorial commission thoroughly reviews each instance of use of force and “special means”.

The record drawn up following the medical examination of a detained/newly arrived person at a UIS establishment(s), including cases of use of force or “special means” and cases of detecting bodily injuries, also contains:

1) 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);

2) a full account of objective medical findings based on a thorough examination;

3) the health-care professional's conclusions, taking into account the provisions of items 1) and 2), as to the consistency between any allegations made and the objective medical findings (a copy of which should be provided to the examined person and/or his/her lawyer).

A more rapid procedure of regular forwarding of reports on registered injuries, connected with allegations of ill-treatment of prisoners and persons in custody (upon arrival or after incidents of use of force in UIS establishments), was introduced in duty stations of UIS establishments.

There is control over the implementation of paragraph 28 of Decree of the Ministry of Health and Social Development and the Ministry of Justice 640/190 on Organization of Medical Assistance to Individuals Serving Sentences or Detained, enacted on 17 October 2005, according to which in cases when injured persons arrive in a UIS establishment, on the initiative of the assistant of the head of the UIS establishment on duty (operational officer), on the application of the injured person or when medical examination (carried out by a doctor or a medical assistant) shows a bodily injury, an act of free form is drawn up in two copies, one of which is attached to the medical record of the out-patient and the other is handed to the suspect, the accused or the prisoner after he signs the first copy of the act. The head of the UIS establishment and the prosecutor supervising the UIS establishment are informed about the examination through a report. The attachment of the act to the out-patient's medical record should without fail be recorded on the list of exacted diagnoses.

UIS officers who may be involved in ill-treatment are forbidden from participating in inspections of instances of use of force or "special means" against prisoners or persons in custody.

The decision on the need of a cynological service officer attending an out-of-cell movement with a guard-dog should be made in an emergency, taking into account the personality of convoyed persons and the degree of danger to people around them.

In 2012 13 cases of use of force and "special means" were registered in the Federal Budget Institution (FBI) SIZO №1 of the FSIN Main Directorate in the Republic of Bashkortostan (44 cases in 2011) and 6 cases in the FBI SIZO №1 FSIN Directorate in the Vladimir Region in Russia (14 cases in 2011). No law was violated when using force or "special means". The decisions on using force or "special means" were made in exceptional cases, taking into account all the circumstances and the danger of actions of each suspect, accused person or prisoner. All possible measures excluding the use of force or "special means" were taken.

On paragraph 76 of the report:

The relations between UIS staff and inmates are regulated by normative legal acts that, in turn, regulate the work of SIZOs, by instructions on the order of service and by the official and administrative duties of the staff. The staff-inmate interaction is stipulated within the framework of ensuring the inmates' rights and legitimate interests and of performing established duties. Depending on their position and delegated authority, staff members can participate in the settlement of certain questions coming from the inmates and in the examination of their applications. Staff members who work at camera posts aren't delegated with such authority and their interaction with inmates is stipulated within the framework of regime activities.

In accordance with regulation 81.4 of the European Prison Rules the training of all staff shall include instruction in the international and regional human rights instruments and standards, as well as in the application of the European Prison Rules.

Within the framework of primary training, professional retraining advanced training and official training the UIS staff members are trained to treat inmates. Special attention is paid to studying international legal acts concerning execution of criminal punishment. The training course includes questions on compliance with the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Standard Minimal Rules for the Treatment of Prisoners and the European Prison Rules.

In accordance with Decree of the Ministry of Justice 169 on Approval of Regulations on Organization of Professional Training of UIS Staff enacted on 27 August 2012 staff, just hired to the UIS, take a course of primary training without which they cannot be allowed to unassisted service.

The studying of rules of international law and standards of treatment of prisoners in the course of primary training is put into effect within the framework of 4 hours of the subject “International Obligations of the Russian Federation on Protecting Human Rights”.

Close attention is also paid to improvement of staff members’ skills of interpersonal communication in order to avoid and settle conflicts without use of force and “special means”.

The discipline “Professional Psychology and Ethics of a UIS Staff Member” lasts from 14 to 22 hours and covers such subjects as “Peculiarities of Professional Activity of a UIS Staff Member and Requirements for His or Her Moral and Aesthetic Culture”, “Socio-psychological Phenomena and Their Impact on UIS Staff Members’ Activity”, “Psychological Peculiarities of Different Categories of Prisoners, Suspects, Accused Persons”, “Conflicts among Prisoners and Ways to Settle Them”.

Each year, starting from 2000, in order to improve the level of training of staff of the UIS psychological service and UIS experts in working with prisoners, UIS practical psychologists undergo professional retraining on the basis of Vologda Institute of Law and Economics of the FNIS (VIPE) and experts in social work with prisoners in correction facilities undergo professional training on the basis of Higher Academic Courses of FNIS Academy.

Starting from January 2012 in order to improve the quality of UIS staff selection FNIS Academy and VIPE will train polygraphologists under the program of professional retraining.

Every year staff members concerned with personnel matters and educational work undergo advanced training.

Other programs include rules of professional behavior stated in the Code of Ethics and Professional Behavior of UIS Staff and Federal State Civilian Employees approved by FSIN Decree 5 enacted on 11 January 2012.

The following staff members are trained under mentioned programs: deputy chiefs of FSIN Main Directorate, FSIN Directorate and FSIN Departments, deputy wardens of penal and juvenile correctional colonies, SIZOs and prisons, secretaries of commissions on compliance with requirements for professional behavior of UIS staff and on settlement of conflicts of interests, and employees and psychologists of the Personnel Department, psychologists of the Department of Security and Special Mission Units.

The problems of compliance with the provisions of appropriate conventions, Standard Minimal Rules for the Treatment of Prisoners, the European Prison Rules and the decisions of the European Court of Human Rights are also studied with UIS staff within the framework of professional training.

On paragraph 79 of the report:

FSIN is constantly working on separating different categories of prisoners, taking into account the degree of their possible negative influence on other prisoners, their psychological and personal qualities.

Persons who made a mistake and who are in places of imprisonment for the first time are allocated separately from those who consciously committed a crime. Thus in SIZOs persons brought to trial for the first time and persons who have previously served a sentence in a place of imprisonment are allocated not only in different cells but if it's possible on separate floors, stations, buildings. Such practice is used when prisoners are allocated to correction facilities to serve sentences, persons sentenced to imprisonment for the first time and persons who have already served terms of imprisonment in correction colonies earlier.

On paragraph 91 of the report:

Russian legislation that regulates custody of the suspected and the accused provides for allocating persons in custody in cells and limiting their contact with the outside world. In accordance with Article 3 of the Federal Law FZ-103 of 15 July 1995 on the Custody of Persons Suspected and Accused of Committing a Crime the custody of persons suspected and accused of committing a crime is carried out in order to ensure criminal procedure legislation. These measures are provided for by the necessity of isolating different categories of persons suspected and accused to ensure law and order and to exclude the possibility of influence on criminal investigation and court procedures.

In order to improve the conditions of custody of persons suspected and accused of committing a crime and bringing them into line with universally recognized norms of international law in the framework of implementation of measures of the Conception of the Penal System Development till the Year 2020, approved by decree of the Government of the Russian Federation no. 1772-r of 14 October 2010a draft federal law on amendments to Federal law On the Custody of Persons Suspected or Accused of Committing a Crime and to other legislative acts (hereinafter referred to as the Bill) was prepared and it provides for an obligation of the administration of SIZOs for providing conditions for involving suspects and accused persons to labor activity and an obligation of the administration of remand centers together with the state or municipal educational executive agencies to provide minor suspects and accused with the opportunity to study the programs of primary, elementary and intermediate education levels. The Bill also provides for extra sanitary cleaning and increased outdoor time for suspects or accused persons in cells which do not meet the requirement of sanitary space per person.



In accordance with recommendations of the European Court of Human Rights the procedure of meetings between suspects and accused person and their family members is changed. The Bill provides for a provision according to which detainees can meet with their family members without permission from the officer or body in charge of the investigation. Besides the bill expands the list of possible words of encouragement and penalties that can be imposed on the suspects or accused persons.

At the present time in the framework of the pilot judgment of the European Court of Human Rights on applications № 42525/07 and 60800/08 Ananyev and Others v. Russia (judgment of 10 January 2012, became final on 10 April 2012) questions on improving the regime of custody, including the improvement of building norms, are examined.



**Comments of the Russian Federation to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment prepared following the results of the visit to the Russian Federation from May 21, 2012 to June 4, 2012.**

**Clause No. 7 of the CPT Report:**

Officers of territorial bodies of the Federal Service of Execution of Sanctions (FSIN) of Russia were informed of the authorities and rights of the members of the delegations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

The arrival of the CPT members to the Federal Public Institution Prison No. 2 (FKU T-2) of the Directorate of the Federal Service of Execution of Punishment (UFSIN) of Russia for the Vladimir Region (hereinafter referred to as T-2 of Vladimir) occurred simultaneously with taking security measures in this establishment which involved the management of the establishment. For this reason, the instruction to let the CPT delegation to the territory of T-2 of Vladimir was given after the management of the establishment had urgently completed their participation in the activities planned beforehand.

After the management of the establishment had learnt about the arrival of the CPT delegation, and necessary formalities had been observed, such as the issuance of ID cards, assignment of accompanying persons, reception of preliminary information on the activities of the establishment (at the request of the members of the delegation) the members of the delegation were accompanied to the secure buildings.

**Clause No. 8 of the CPT Report:**

No intimidating/punitive actions were planned or carried out by the administration of the Penal system (UIS) establishments in respect of sentenced prisoners and persons in custody interviewed by the members of the CPT delegation.

An appropriate instruction of the FSIN of Russia (No. 13-13416-01 of July 10, 2012) was sent to all territorial agencies of the FSIN of Russia to prevent intimidation or carrying out other punitive measures in respect of persons who contacted with the members of the CPT delegation during their visit to the Russian Federation.

Officers of territorial bodies of the FSIN of Russia were informed of the authorities and rights of the members of the delegations of the CPT.

The sentenced prisoners serving their sentences in establishments of the penal system who were interviewed by the CPT delegation were not questioned by the staff of the establishment, including other inmates on behalf of the staff. The administration of the establishments did not allow any attempts to find out what the interviewed persons told to the CPT delegation, as well as to intimidate sentenced prisoners after they were interviewed by the members of the CPT delegation.

During its visit to SIZO-1 of Saint Petersburg, SIZO-4 of Moscow, SIZO-1 in Kazan, IK-1 (Penal Colony-1) in Yagul, T-2 in Vladimir, SIZO-1 in UFA, the CPT delegation had unhindered access to all premises of the said establishments. The delegation was able to have confidential interviews with inmates. The principle of cooperation provided in Article 3 of the Convention, as well as in Paragraph 2 of Article 8 of the Convention was not violated.

During the work of the CPT, the staff of the above-mentioned establishments observed the principle of cooperation: the members of the delegation were provided with adequate information and misleading actions were prevented.

**Clause No. 9 of the CPT Report:**

The information in respect of actions for the implementation of recommendations specified in paragraphs 28, 33-37, 39-44, 72, 76, 79 and 91 of the Report was previously sent to the Ministry of Foreign Affairs of Russia.

**Clauses No. 10, 11, 12 of the CPT Report:**

By letters of July 23 and August 29, 2012, the Russian authorities informed the CPT of the measures taken in response to the delegation's requests.

Thus, the CPT was notified that in order to develop the plan for the relocation of SIZO-1 in Ufa, a letter was sent to A.F. Ilimbetov, the Chairman of the Government of the Republic of Bashkortostan (reference number 3/TO/20-120 of June 20, 2012) regarding the allocation of a land plot at least 20 ha in area in the districts adjacent to UFA, as well as money assets in the amount of 2.2 billion rubles for the construction of new detention facilities due to the fact that the reconstruction of existing buildings and structures of SIZO-1 in UFA is inexpedient.

According to the Ordinance of the Administration of the municipal unit of Iglinsky District of the Republic of Bashkortostan No. 03-627 of March 27, 2012, a land plot has been allocated to the Main Directorate of the FSIN of RF for the Republic of Bashkortostan for the construction of detention facilities with a total area of 17.39 ha (Certificate of State Registration of Title No. 04 AG 687332 of April 6, 2012).

According to the measures provided for in the Federal Target Programme ("Development of the penal system (2007-2016)" (hereinafter - FTP), the new detention facilities are planned to be completed in 2016.

Besides, the issue of the possibility to establish detention facilities with the limit of filling of 2000 beds on the base of the Federal Public Institution (FKU) IK-10 under the Main Directorate of the FSIN of Russia for the Republic of Bashkortostan is being currently studied.

In the frame of the FTP, a secure block with 160 beds is planned to be built in FKU SIZO-4 of the Directorate of the FSIN of Russia for the Republic of Tatarstan (the town of Menzelinsk).

Currently, the issue is being considered to establish in the territory of the FKU IK-19 of the Directorate of the FSIN of Russia for the Republic of Tatarstan (Kazan) a transit-holding point with a limit of 160 people (reference No. 17/to/13-2460 of May 16, 2012), as well as to create premises functioning in the regime of detention facilities for 214 beds on the base of the Kazan juvenile correctional colony.

In SIZO-1 of Kazan people under custody are not placed in metal cages in the medical unit of the establishment. The surgery for primary medical examination and the room of the medical laboratory intended for taking blood tests are equipped with a second door in a form of a blocking bar locked when no members of the special contingent are present in the surgery.

An appropriate instruction of the FSIN of Russia (No. 13-13416-01 of July 10, 2012) was sent to all territorial agencies of the FSIN of Russia to prevent intimidation or carrying out other punitive measures in respect of persons who contacted with the members of the CPT delegation during their visit to the Russian Federation.

The administration of the FKU IK-1 of the Directorate of the FSIN of Russia for the Udmurt Republic (hereinafter referred to as IK-1 of Yagul) did not allow intimidating sentenced prisoners after they had interview with the members of the CPT delegation. No facts of intimidating sentenced prisoners and persons in custody in IK-1 of Yagul due to their participation in interviews with the members of the CPT delegation were revealed.

No facts of inhuman treatment with sentenced prisoners in IK-1 of Yagul have been registered. In accordance with Order No. 250 of July 11, 2006 "On Approval of the Instruction Regarding Acceptance, Registration and Verification of Reports on Crimes and Incidents in Institutions and Agencies of Penal System", weekly reconciliation is carried out by a commission in respect of registration books and logs with the view of the facts of acceptance, registration and verification of reports on crimes and incidents. All activities of the staff of IK-1 of Yagul are strictly regulated and limited with the frames of applicable regulatory legal acts of the FSIN of Russia and rules of international law governing the work of the establishments. Employees of IK-1 of Yagul do not allow inhuman treatment of sentenced prisoners. Materials regarding all facts of any bodily injuries of suspects, accused persons and sentenced prisoners, including those associated with the use of physical force and special means, are sent to investigation agencies for the legal assessment of employees' actions and taking proceeding decision under Articles 144-145 of the Code of Criminal Procedure of the Russian Federation.

Regarding the impermissibility of blocking bars in medical surgeries, we inform you that the installation of such bars in procedure rooms is caused by the need to observe security measures for medical staff, especially middle level medical staff (nurses), who are mostly women and civil persons, whose security at their place of work is a priority. Besides, these bars constitute an additional mean preventing stealing drugs from procedure rooms with the purpose of their non-medical use by sentenced prisoners suffering from drug or alcohol addiction.

The premises of medical units of the establishment are equipped with blocking bars based on the Instruction of the FSIN of Russia No. 10/1-4894 of November 17, 2009, in order to provide safety of medical staff and it is a necessary condition for performing the duties in direct contact of sentenced prisoners with female staff of medical units.

The work is underway to select candidates and recruit middle-level medical staff for medical units in SIZO-4 in Moscow, SIZO-1 in Saint Petersburg, SIZO-1 in UFA, as well as T-2 in Vladimir and IK-1 in Yagul.

The available areas in SIZO-1 in UFA do not allow increasing the cell area of the tuberculosis unit and carrying out the construction of an exercise yard at the ground floor level.

The current repair is carried out in the TB unit according to the schedule of the scheduled preventive repair. At present, the repair is over, the area for one patient in cell No. 30 has been brought in conformity with standards.

The cells of secure block No. 5 of the FKU SIZO-1 of the Directorate of the FSIN of Russia for the Republic of Tatarstan (hereinafter referred to as SIZO-1 in Kazan) were taken out of operation on May 23, 2012, which was reflected in the Commission Act under the title of "On Suspending the Operation of Secure Block No. 5 of the FKU SIZO-1 situated at the address: 16 Yapeyeva Street, Kazan, Republic of Tatarstan", which was executed together with the representative of the Prosecutor's Office of the Vakhitovsky District of Kazan. At present, the special contingent is not placed in the cells of secure block N. 5.

On arrival to the FKU SIZO-1 of the Main Directorate of the FSIN of Russia for the Republic of Bashkortostan (hereinafter referred to as SIZO-1 of UFA) on May, 28, 2013, the CPT delegation was provided with comprehensive and trustworthy information regarding the limit of occupancy and actual occupancy of the establishment.

The administration of the FKU IZ-77/4 of the Directorate of the FSIN of Russia for Moscow (hereinafter referred to as SIZO-4 of Moscow) provided the CPT delegation with comprehensive and adequate information on the confinement of suspects, accused persons and sentenced prisoners. The administration organised the visit of the CPT delegation to the cells situated in secure blocks No. 4 and No. 8, places for outdoor exercises and short visits. The delegation was given the opportunity to conduct interviews with suspects, accused persons and sentenced prisoners in private, in the absence of representatives of the administration. All these activities prove that the administration of SIZO-4 did not violate the principle of cooperation enshrined in Article 3 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

On May 23, 2012, an unhindered access to all establishments of the Directorate of FSIN of Russia for Saint Petersburg and the Leningrad Region was provided to the members of the CPT. During the visit of the FKU SIZO-1 of the Directorate of the FSIN of Russia for Saint Petersburg and the Leningrad Region (hereinafter referred to as SIZO-1 of Saint Petersburg) the CPT members examined the disciplinary cell (*kartzer*) and had personal interviews with newly arrived persons in the collecting unit of the establishment. When the visit of the CPT members was over, suspects and accused persons were invited in due order to the interview with employees of SIZO-1 of Saint Petersburg with the purpose to carry out their further distribution in cells. There were no other conversations, including those of intimidating nature, or conversations with the aim to clear up the issues and subject of the interview with the CPT delegation.

### **Clause No. 13 of the CPT Report:**

The Federal Service of Execution of Sanctions (FSIN) has considered the issue of appropriateness of participation of the Russian Federation in the Optional Protocol to Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment adopted on December 18, 2002 at the 77th plenary meeting of the 57th session of the UN General Assembly. The ratification of the said Protocol, in addition to existing international agreements of the Russian Federation, is currently inadvisable since a similar form of international control on the part of the Council of Europe has already existed in our country for a long time.

Due to the fact that in February 1996 the Russian Federation received the status of a member of the Council of Europe, Federal Law No. 44-FZ of March 28, 1998, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment was ratified.

In accordance with the Convention the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment was established, which, by means of visiting the places for isolation from society submitted to the bodies of executive power studies the treatment of people deprived of freedom with the purpose, if necessary, to protect them from tortures and inhuman or degrading treatment or punishment. Altogether, since 1998, the CPT delegations have inspected the conditions of confinement in places for isolation from society 23 times, which significantly exceeds the number of inspections in other countries.

The Russian Federation gave consent to the publication of the "Report to the Government of the Russian Federation Prepared by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)".

Following the Results of the Visit to the North Caucasian Region of the Russian Federation from April 27 to May 6, 2011"; it was published on January 24, 2013. There is also the national independent mechanism to prevent violations in places of detention in the Russian Federation.

The issues of restoring violated rights of citizens in the places of detention are addressed by the Human Rights Commissioner in the Russian Federation and Human Rights Commissioners in subjects of the Russian Federation. The Prosecutor's supervision has been established over establishments and agencies of the penal system (UIS).

In accordance with Federal Law No. 76-FZ of June 10, 2008 "On public control over the observance of human rights in places of detention and about assistance to persons in places of detention", public supervisory commissions have been established; their members are vested with the authorities to visit, without special permit, places of detention and speak to suspects and accused persons under custody regarding the issues of ensuring their rights. The Regulations on the procedure of visiting establishments of the penal system by members of public monitoring commissions was approved by the Order of the FSIN of Russia No. 652 of November 28, 2008.

In order to involve the public as efficiently as possible to solving the problems faced by institutions and agencies executing criminal sentences, the Public Council for addressing the problems of the penal system has been established under the FSIN of Russia, which is composed of prominent human rights activists.

Courts consider claims for compensating the contested violations of human rights in places of deprivation of liberty. Thus, the Plenum of the Supreme Court of the Russian Federation studied the issues of the practice used by courts in considering complaints regarding places of deprivation of liberty, and paragraph 7 of Order No. 2 of February 10, 2009, states that cases on complaints of suspects and accused persons under custody, as well as persons sentenced to imprisonment against the actions of administration of detention facilities or correctional facilities associated with inappropriate detention conditions (for instance, failure to ensure appropriate medical aid for sentenced prisoners ), as well as against the decisions of administration of detention facilities or correctional facilities to apply disciplinary sanctions, shall be considered according to the rules of Chapter 25 of the Civil Procedure Code of the Russian Federation.

The improvement of national forms of legal protection of sentenced prisoners and detained persons is currently planned to be ensured in the frame of implementation of the "pilot" judgment of the European Court of Human Rights based on complaints No. 42525/07 and No. 60800/08 *Ananyev and others vs. the Russian Federation*.

It appears possible to return to the consideration of ratification of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment after having considered the results of the visits to places of deprivation of liberty in the USA and other countries, first of all those that had secret prisons in their territories, if they are published.

The Federal Service for the Execution of Sanctions ensures the interaction of territorial agencies of the penal system with regional public monitoring commissions (PMC). PMCs are currently active in 80 subjects of the Russian Federation, the number of their members is 753 people.

In 2012, members of PMCs visited UIS establishments more than 2570 times; more than 680 visits were carried out together with members of public councils under territorial bodies of the FSIN of Russia. They prepared and sent to territorial bodies of the FSIN of Russia more than 540 conclusions (acts) following the results of visits to correctional and detention facilities. Members of PMCs more than 1580 times took part in the work of commissions of correctional facilities in 62 territorial bodies of FSIN of Russia considering the issues of changing detention conditions of sentenced prisoners, replacing the unserved part of the punishment with a milder punishment, as well as the issues of parole.

Members of PMCs 396 times participated in collective activities in establishments of 54 territorial bodies of the FSIN of Russia together with inmates and employees of the UIS establishments.

Upon the initiative of PMCs, 140 public associations provided their assistance to sentenced prisoners in the issues of improvement of their detention conditions and social adaptation.

When visiting correctional facilities, members of PMCs conducted more than 10100 individual conversations with sentenced prisoners and persons on remand, received more than 1500 appeals from them. Functional checks were carried out regarding all complaints concerning the activities of the UIS establishments.

#### **Clause No. 14 of the CPT Report:**

The term of office of 5 regional PMCs elapsed in 2012. New membership of the commissions were formed in relevant regions by the decision of the Council of the Public Chamber of the Russian Federation.

PMCs are currently active in 80 subjects of the Russian Federation, the number of their members is 753 people.

In comparison with the previous convocation, more members represent human rights organizations (from 97 to 127 people), veteran's organizations (from 90 to 127 people), organizations to support children and youth (from 38 to 48), women's associations (from 27 to 41), disabled people's organizations (from 25 to 35), committees of soldiers' mothers (from 20 to 24), organizations counteracting drug trafficking and alcoholism (from 8 to 20), religious organizations (from 3 to 9), other public associations (from 91 to 265 people).

The largest number of members of PMCs were delegated by such public organizations as the Russian Red Cross - 24 people, "Brothers in Arms" - 22 people, the Russian Historical, Educational, Charitable and Human Rights Society "Memorial" (Russian Memorial) - 18 people.

A negative trend has been observed over the last years: the number of PMC members who have previously been held criminally and administratively liable tends to growing. If in 2010 there were 30 such members, now they are 39. The number of PMC members with close relatives serving their sentences in places of deprivation of liberty remains the same (12 people).

In accordance with Federal Law No. 76-FZ of June 10, 2008 "On public control over the observance of human rights in places of detention and about assistance to persons in places of detention", an appropriate territorial agency of a federal executive body in charge of relevant detention facilities shall notify about the scheduled visit of PMC, specifying the detention facilities proposed for the visit and the date of the visit. The above-mentioned provisions of the law are in full conformity with the practice of CPT, which also notifies the Russian Federation about the scheduled visits to places of deprivation of liberty.

In accordance with Order of the FSIN of Russia No. 652 of November 28, 2008, "About approval of the Regulations on the procedure of visiting establishments of the penal system by members of public monitoring commissions", films, photographs and videos of suspects and accused persons and their interviewing shall be made with the permission of an official or a body in charge of the criminal case, as well as with the written consent of suspects and accused persons themselves. Films, photographs and videos of persons sentenced to imprisonment and interviews with them shall be made with the written consents of sentenced prisoners themselves. Films, photographs and videos of facilities providing safety and safeguarding of sentenced prisoners shall be made with the written consent of the administration of the establishment or the penitentiary body.

Complaints and appeal of suspects, accused persons and sentenced prisoners shall be received and executed in accordance with requirements of regulatory legal acts of the Russian Federation.



Besides, the Russian Federation does not support the proposals to discriminate former employees of law enforcement agencies in satisfying their wish to work in PMCs. Similar practice has developed in selection of candidates to delegations of CPT. Thus, much of the members of CPT delegations, which have visited the Russian Federation, were former officers of law enforcement agencies.

As for the issues of interaction of the penal system establishments with PMCs, they are being effectively solved now.

Thus, representatives of PMCs took part in the Board meeting of the FSIN of Russia “On improving interaction with civil society institutions” held on March 28, 2013, and on April 5, 2013, together with representatives of the FSIN of Russia, they took part in the special meeting of the Council under the President of the Russian Federation for the Development of Civil Society and Human Rights dedicated to “Public Participation in the Reform of the Penal System”.

#### **Clause No. 15 of the CPT Report:**

The procedure for visiting places of detention of internal affairs agencies of the Russian Federation by members of Public Monitoring Commissions is regulated by the Order of the Ministry of the Interior (hereinafter referred to as the MOI) of Russia No. 196 of March 6, 2009.

In 2012 and the 1st quarter of 2013 the MOI of Russia received no complaints from the members of PMCs.

In accordance with article 52 of the Federal Law No. 3-FZ of February 7, 2011 “About Police”, the supervision over the execution by the Police of the laws of the Russian Federation, including Federal Law No. 76-FZ of June 10, 2008 “On public control over the observance of human rights in places of detention and about assistance to persons in places of detention”,

is carried out by the Prosecutor General of the Russian Federation and subordinate prosecutors in accordance with the authorities vested by the federal legislation. Any action (omission) of a police officer violating rights and lawful interests of a citizen, public and municipal body, public association, religious and other organization may be appealed to a higher body or a higher official, agencies of the Prosecutor’s Office of the Russian Federation or to a court in accordance with Article 53 of the Law “About Police”.

#### **Clause No. 16 of the CPT Report:**

Pursuant to the Order of the Prosecutor General of the Russian Federation No. 237 of August 8, 2011 “On organizing prosecutor’s supervision over compliance with the law during detention of suspects and accused persons in temporary detention facilities of internal affairs agencies, border authorities of FSB of Russia, at guardhouses and in convoy rooms of courts (military courts)”, 360,309 inspections of places of detention of suspects and accused persons were carried out.

As a result, 10,848 breaches of law were identified; in order to remedy them, 1,116 submissions were made to internal affairs agencies, 745 police officers were held disciplinarily liable.

The Prosecutor’s Office of the Republic of North Ossetia-Alania filed one submission and one request to the Head of the Investigative Directorate of the Investigative Committee of Russia for the Republic of North Ossetia-Alania due to the fact that investigators had not observed the period of detention (10 days) of suspects and accused persons in temporary detention facilities in foreign affairs agencies.

Similar violations were identified in temporary detention facilities of internal affairs agencies in the Republics of Dagestan, Sakha (Yakutia), the Udmurt Republic, the Zabaykalsky Krai and others.

The main violations are: poor standards of hygiene in cells, inadequate living conditions of people staying in detention facilities, failure to observe the period of detention of suspects and accused persons, lack of necessary measures to accommodate separately various categories of persons suspected in and accused of committing crimes.

Based on the foregoing reasons, in 2012 the European Court of Human Rights admitted to examination 6 complaints from citizens of the Russian Federation for inadequate conditions in temporary detention facilities.

In particular, such complaints came from the Republic of Khakassia (“Totorov vs. the Russian Federation”, “Dudenko vs. the Russian Federation”), the Samara Region (“Magomedov vs. the Russian Federation”), the Tver Region (complaint “Kamalov and others vs. the Russian Federation”, which consolidated the following appeals: “Shostak vs. Russia”, “Ivanov vs. Russia, “Dolinin vs. Russia”).

The Prosecutor General’s Office of the Russian Federation prepared relevant conclusion based on the said complaints.

In 2012, prosecution agencies received 1234 complaints of inadequate conditions in temporary detention facilities, 114 of them were satisfied.

In the frame of activities of establishments and agencies of the UIS, in penitentiary establishments they continued to implement measures to strengthen the rule of law and bring conditions of detention of persons under custody in conformity with requirements of domestic legislation and commonly accepted international standards. In order to obtain full and timely information on cases of ill-treatment of persons in custody or serving their sentence in places of deprivation of liberty, the Directorate for Supervision over Legality of Execution of Criminal Sentences of the Prosecutor General’s Office of the Russian Federation exercises on an ongoing basis control and monitoring of the cases of ill-treatment of the said persons. The Prosecutor General of the Russian Federation vested to the prosecutors of subjects of the Russian Federation the liability to report on all cases of deaths of the said persons, causing them bodily injury, applying special means resulting in harm to health, committing crimes by employees of the penal system. When facts of ill-treatment are revealed and if it is permitted by law, materials are sent to investigative agencies to hold guilty persons criminally liable.

The conditions and order of detention of people under custody and sentenced prisoners has been improving lately. The Prosecutor General’s Office of the Russian Federation and local prosecutors constantly pay close attention to observance of rights and freedoms of citizens in custody or serving their criminal sentences, first of all, their rights to freedom and integrity of the person, personal dignity, health protection and medical aid, living conditions; they cooperate in a constructive way with the FSIN of Russia in the process of reforming the penal system aimed, among other things, at bringing the said system in conformity with international principles and standards.

The applicable law is being improved, in particular, the laws aimed at strengthening guarantees for persons staying in detention facilities and correctional colonies. Appropriate amendments have been introduced to the Criminal Code of the Russian Federation, Code of Criminal Procedure of the Russian Federation, the Penal Execution Code of the Russian Federation, Federal Law No. 103-FZ of July 15, 1995 “On detention in custody of suspects and individuals charged with criminal offenses”. When taking decision on the issue of the measure of restraint, home detention is applied more often. In respect of persons who have committed economic crimes the possibility of taking a preventive measure in the form of remand in custody has been limited. As a result of decriminalization of criminal law and application of preventive measures not associated with deprivation of liberty, the number of persons retained in penitentiary establishments and detention facilities reduced by more than 50,000 people in 2011 in comparison with the year 2010. This trend continued in 2012.

In accordance with the requirements of the Prosecutor General of the Russian Federation, prosecutors of subjects of the Russian Federation are personally obliged to check the compliance with laws in in detention and correctional facilities. In the event if any violations of law are detected, submissions to eliminate them are made to heads of establishments and agencies of the UIS; unlawful legal acts are appealed against; persons who have been unreasonably incarcerated in punitive confinements are released from them. Employees of law enforcement services guilty in violating the rights of persons under custody and sentenced prisoners are held liable, including criminal liability.

**Clause No. 17 of the CPT Report:**

Regarding certain examples given in the CPT Report, which are associated with ill-treatment of persons detained in establishments of the MOI of Russia, it is necessary to note the following.

The fact of bodily injuries caused by officers at "Dalniy" Police Division No. 9 of the Directorate of the MOI of Russia for Kazan on March 10, 2012, to S.I. Nazarov, on March 11, 2012 the Central MSO (Interregional Investigative Unit) of the Investigative Directorate of the Investigative Committee of Russia for the Republic of Tatarstan initiated a criminal case for an offense under paragraph "b", part 2, Article 111, paragraph "a", part 3, Article 286 of the Criminal Code of the Russian Federation (hereinafter referred to as CC of RF).

The following officers of the said Police Division were named defendants for committing this crime: A., B., C. and D.\*; the measure of restraint in respect of them was chosen in the form of detention in custody. In our opinion, "the case of Sergey Nazarov" is not a typical example of activities of law enforcement agencies of the Russian Federation, but is just a single case of such criminal actions, which was properly responded to by Russian authorities.

**Clause No. 18 of the CPT Report:**

In accordance with Russian legislation, persons detained due to suspicion in committing a crime or administrative offense can only be detained after the execution of a protocol of detention for reasons provided in Article 91 of the Code of Criminal Procedure of the Russian Federation (hereinafter referred to as CCP of RF) or a protocol of administrative detention in accordance with Article 27.4 of the Code of the Russian Federation of Administrative Violations (hereinafter referred to as KoAP RF). The decision of detention is taken by investigative bodies in accordance with CCP of RF.

Besides, operating officers may only carry out investigative activities (interrogation of a witness) in accordance with the instruction of an official in charge with preliminary investigation.

**Clause No. 19 of the CPT Report:**

In accordance with article 13 of the Federal Law No. 103-FZ of July 15, 1995 "On detention in custody of suspects and individuals charged with criminal offenses", suspects and accused persons retained in detention facilities may be transferred to temporary detention facilities when it is necessary in order to carry out investigative actions and the trial of cases outside the settlements where detention facilities are situated, if it is impossible to deliver them from these facilities every day, for the period of the said investigative actions and the trial, but not more than for ten days within one month. The ground for such a transfer is the order of the investigator or the inquiry officer or the judgment of the court.

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\* In accordance with Article 11, paragraph 3, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, certain names have been deleted.

**Clause No. 20 of the CPT Report:**

The study of criminal law provisions is included in the curriculum of training of operating staff; in order to prevent corrupt practices from their part, asking detained persons or their relatives for money in order to arrange release, such training involves the study of the following articles of the Criminal Code of the Russian Federation (hereinafter referred to as CC of RF): 285 “Abuse of Official Powers”, 286 “Exceeding Official Powers” and 290 “Bribe taking”.

The MOI of Russia, on a constant basis, carries out the analysis and monitoring of crimes committed by operating officers.

In accordance with Section V of the Instruction on Organizing Professional Training of Officers of the penal system approved by the Order of the Ministry of Justice of Russia No. 169 of August 27, 2012, employees of private and senior ranks of the penal system monthly undergo training, within the frame of service and combat education, aimed at routine reinforcement and updating of knowledge, skills and abilities of officers necessary in their everyday service and in emergency situations.

At the same time, in the frame of legal studies (at least 10 hours annually) officers study the main provisions of the Constitution of the Russian Federation, judgments of the European Court of Human Rights, rules and principles of international and Russian law, requirements of applicable legislation in the field of observance of the rights and freedoms of man and citizen, as well as the practice of application of regulatory legal acts in their official activities. Besides, special attention is drawn to international requirements in the sphere of treatment of inmates.

Thus, in 2012 and in the 1st quarter of 2013, the classes in the system of service and combat training included the study of judgments on cases No.No. 42525/07 and 60800/08 *Ananyev and other vs. Russia*, 28869/03 *Proshkin vs. Russia*, 33619/04 *Sokurenko vs. Russia*, 55822/10 *Shakurov vs. Russia*, 52805/10 *Abidov vs. Russia*, 64809/10 *Khodzhamberdiyev vs. Russia*, 60759/10 *Abdullakhodzhayev vs. Russia*, 39019/11 *Khosravi and others vs. Russia*.

Heads of territorial agencies of the FSIN of Russia were instructed to inform the FSIN of Russia in their annual reports about the observance of the rights of suspects, accused persons and sentenced prisoners, as well as employees of the UIS, and about the performance of the instructions of the FSIN of Russia to improve the work to ensure human rights in the UIS.

In the frame of implementation of the National Anti-Corruption Plan for 2012-2013 and the measures provided in the Anti-Corruption Plan of the Federal Service of Execution of Sanctions, in 2012 educational institutions of the FSIN of Russia carried out further professional training of 53 officers of territorial agencies of the FSIN of Russia, whose official duties include combating corruption; 3 officers of structural units of the FSIN of Russia were also trained in the Russian Academy of National Economy and State Service under the President of the Russian Federation in the frame of the further professional training programme “The functions of personnel units of federal state bodies to prevent corrupt practices”.

Educational institutions of the FSIN of Russia and training centers (stations) of territorial bodies of the FSIN of Russia included additional themes developed by the Vladimir Juridical Institute of the FSIN of Russia and involving the study of forms and methods to combat corruption, legal, moral and aesthetic aspects, into the curricula of initial training, professional re-training and further professional training.

In order to organise the system of measures to combat corruption, create legal and organizational basis to prevent and combat corruption in establishments and agencies of the penal system, minimise and (or) eliminate consequences of corruption offenses, identify and eliminate conditions assisting in committing crimes and official misconduct by UIS employees and federal public civil servants of the FSIN of Russia, FSIN of Russia, by its Order No. 440 of November 6, 2009, established the Internal Security Directorate in the Central Administration. The Order of the FSIN of Russia No. 72 of March 2, 2010, established internal security directorates (departments, units, groups) in territorial agencies of the FSIN of Russia.

In accordance with the Regulations on the Federal Service of Execution of Sanctions approved by the Decree of the President of the Russian Federation No. 1314 of October 13, 2004 “Issues of the Federal Service of Execution of Sanctions”, for the purpose of formation and development of anti-corruption capacity of the Service, the manning table of the FSIN of Russia was amended as regards the establishment of the department for combating corruption and the staff inspectorate in the Personnel Department of the FSIN of Russia.

The main objective of the said units is to organise the implementation of the Federal Law No. 273-FZ of December 25, 2008 “On Combating Corruption” and the National Strategy for Combating Corruption approved by the Decree of the President of the Russian Federation No. 460 of April 13, 2010 “On the National Anti-Corruption Strategy and the National Anti-Corruption Plan for 2010-2011”, and the National Anti-Corruption Plan for 2012-2013 approved by the Decree of the President of the Russian Federation. The information on the cases of corruption and other offenses committed by employees of the FSIN of Russia is verified by means of sending officers to business trips, as well as by sending the appeals for official investigation to territorial agencies of the FSIN of Russia. No. 297 of March 13, 2012. If essential elements of an offence are revealed during the inspection, the materials are sent to investigative agencies for legal assessment.

To the satisfaction of the Decree of the President of the Russian Federation No. 821 of June 1, 2010 “On commissions on compliance with requirements for official conduct of federal civil servants and the arrangement of conflict of interest” in accordance with Article 42 of the Regulations on Service in Internal Affairs Agencies of the Russian Federation (hereinafter referred to as the Regulations) approved by the Ordinance of the Supreme Soviet of the Russian Federation No. 4202-1 of December 23, 1992 (as amended by Federal Law No. 156-FZ of July 22, 2010), commissions on compliance with requirements for official conduct of officers of internal affairs agencies and the arrangement of conflict of interest are to be established in internal affairs agencies. To the satisfaction of the said article of the Regulations, the FSIN of Russia issued Orders No. 529 of December 16, 2010 “On commissions on compliance with requirements for official conduct of officers of the penal system and the arrangement of conflict of interest” and No. 118 of March 1, 2011 “On the commission of a territorial agency of the FSIN of Russia on compliance with requirements for official conduct of officers of the penal system and the arrangement of conflict of interest”, as well as Order No. 489 of November 26, 2010 “On the commission of the Federal Service of Execution of Sanctions on compliance with requirements for official conduct of federal civil servants of the FSIN of Russia and the arrangement of conflict of interest”.

Federal Law No. 329-FZ of November 21, 2011 “On amending certain legal acts of the Russian Federation due to the development of state administration in the field of combating corruption” provided that Article 42 was recognized to be void. At the same time, paragraph 2 of the Decree of the President of the Russian Federation No. 821 of July 1, 2010 states that the issues of compliance with requirements for official conduct of federal civil servants and the arrangement of conflict of interest shall be considered, in respect of persons holding offices of federal state service of other (apart from federal state civil service) kinds, by relevant evaluation commissions.

Based on the foregoing, the FSIN of Russia issued Order No. 151 of April 1, 2013 “On including persons as permanent members of the central evaluation commission and the evaluation commission of the FSIN of Russia to consider the issues specified in paragraph 16 of the Regulations on Commissions on compliance with requirements for official conduct of federal public servants and the arrangement of conflicts of interest”.

**Clauses No. 21, 22 and 29 of the CPT Report:**

An integral part of standards of legal regulations of internal affairs sphere is the issuance of regulatory legal acts intended to improve the rule of law in internal affairs agencies, make officers in discharge of their functions comply with legitimate interests of citizens based on generally accepted principles of humanism and respect for human dignity.

The internal security units prevent, detect and suppress crimes committed by police officers. Each appeal with a complain about the illegal actions of police officers, their violation of legitimate interests and the constitutional rights of citizens received by internal affairs agencies, is checked most thoroughly, official investigations are appointed and carried out in order to establish the facts of the case, the causes and conditions that contributed thereto, to identify the perpetrators of violations of the law.

Agencies of the Prosecutor’s Office exercise supervision over compliance with law in internal affairs agencies. The investigation of crimes committed by the said officials is referred to the competence of the Investigative Committee of the Russian Federation.

Besides, in order to ensure protection of human rights, strict observance of the rule of law, to prevent unlawful acts from the part of police officers, the practice of the European Court of Human Rights (hereinafter referred to as the ECHR) is studied systematically, in particular, the practice in preventing torture and inhuman or degrading treatment or punishment.

Due to the fact that the specified paragraphs of the Report do not contain particular information regarding crimes committed by officers of internal affairs agencies, it is not possible to carry out their verification.

**Clause No. 23 of the CPT Report:**

The specified fact of ill-treatment in respect of persons in custody in Gus-Khrustalnyi IVS (Temporary Detention Facility) during the night of 12/13 December, 2011, involving officers of special forces of the Directorate of the MOI of Russia for the Vladimir region, was not confirmed.

Following the results of the inspection carried out by officers of the Frunzensky Interregional Investigative Unit of the Investigative Directorate of the Investigative Committee of the Russian Federation for the Vladimir Region, the Order to refuse the initiation of criminal case was issued on September 10, 2012, due to the lack of offences against law in the actions of the officers of Internal Affairs special forces.

**Clauses No. 25 and 38 of the CPT Report:**

In accordance with Order of the MOI of Russia No. 309 of May 20, 2004 “On approval of standard manning tables of temporary detention facilities (hereinafter referred to as IVS) for suspects and accused persons, units of guard forces and convoy of suspects and accused persons”, the position of a feldsher is to be provided in the staff of IVS with the limit of up to 50 inmates, while the positions of a doctor and a feldsher are to be provided in IVS with the limit of more than 50 inmates. Accordingly, medical specialists that are on the manning table are involved in medical examination of persons arriving for detention in IVS.

Simultaneously, paragraph 9 of the Instruction of the procedure to provide medical and sanitary aid to persons held in temporary detention facilities of internal affairs agencies approved by the Order of the MOI of Russia and the Ministry of Health of Russia No. 1115/475 of December 31, 1999, states that within the first day of staying in IVS all newly arrived inmates shall undergo medical examination in order to identify persons with infectious diseases dangerous for surrounding persons, as well as sick persons in need of urgent medical aid. The examination shall be performed by a medical professional in a surgery. The sick and persons complaining of poor health condition shall be registered in the record book for examination of IVS inmates.

In the event of the absence of the medical professional at the time when suspects and accused persons arrive in IVS, the duty officer of IVS, and if the staff duty officer of IVS is absent, the duty officer (assistant to the duty officer) of the internal affairs agency, shall inquire them as regards their health condition. If newcomers complain of sickness or signs of a disease (injury), the duty officer of IVS (duty officer or assistant of the duty officer of an internal affairs agency).

The results of inquiry of suspects and accused persons, complaints of the health condition and medical aid provided to them made during such an inquiry shall be recorded in the record book of medical examination of persons detained in IVS, which shall be kept in the medical unit of IVS, and in the absence of the medical professional it shall be kept by the duty officer of IVS (duty officer or assistant of the duty officer of an internal affairs agency) shall immediately call a medical professional of IVS or an ambulance crew. The allegations in the Report regarding bodily injuries detected were not confirmed during the inspections conducted by the agencies of the Prosecutor's Office.

#### **Clause No. 27 of the CPT Report:**

In this case, the Report refers generally to the responsibility of employees of internal affairs agencies for criminal official misconduct.

In order to improve the level of training of police officers, as well as to prevent offences against law from their part, relevant activities are conducted by the MOI of Russia.

Thus, in 2012-2013, the MOI of Russia prepared and sent to its territorial agencies an instruction and 6 reviews of disciplinary practices, which emphasised the inadmissibility of obtaining the proofs of guilt of citizens in committing crimes using methods that go beyond the legal standards for the protection of rights, freedoms and legitimate interests of man and citizen. Official investigations are conducted within the shortest possible time with regard to operating staff on each fact of a criminal case initiation with bringing to strict disciplinary liability up to dismissal of senior officials who failed to ensure appropriate level of discipline and rule of law in subordinate units.

At the same time, a set of practical educational and preventive measures has been developed and is implemented with regard to employees who need the increased psychological and pedagogical attitude.

The capacities of veterans' organizations and public councils under territorial agencies of the MOI of Russia are more widely used in outreach.

Thus, the measures taken in 2012 made it possible to reduce the number of operating officers held criminally liable for abuse of powers (Article 285 of CC of RF) by 44.7%; for exceeding official powers (Article 286 of CC of RF) - by 10.7%; for knowingly illegal detention or taking into custody (Article 301 of CC of RF) - by 100%.

**Clause No. 28 of the CPT Report:**

Before taking up their duties operating staff, investigators, as well as special forces of internal affairs agencies receive special instructions regarding the compliance with law in carrying out their activities.

Requirements of regulatory legal acts have been communicated to police officers, including the Order of the MOI of Russia No. 80 of February 11, 2010 "On moral and psychological support of operational and service activities of internal affairs agencies". Operational and search activities of police officers is defined in Federal Law No. 144-FZ of August 12, 1995 "On Operational and Search Activities".

All police officers are trained in educational institutions of the system of the MOI of Russia, in the frame of which they study subjects associated with operational and search activities, including "forensic science".

In accordance with Article 11 of the Law "About Police", in its activities the police use achievements of science and technology, information systems, communication networks, as well as modern information and telecommunication infrastructure. According to the procedure established by the law of the Russian Federation, the police use electronic formats to accept and register documents, notify of the progress in providing state services, interact with other law enforcement bodies, governmental and municipal bodies, non-governmental associations and organizations. The police use technical facilities, including means of audio, photo and video recording when documenting circumstances of committing crimes, administrative offences, circumstances of incidents, including those that occurred in public places, as well as to record the actions of police officers performing their duties.

The federal executive authority in the sphere of internal affairs makes it possible for the police to use the Internet information and telecommunications network, automated information systems, integrated data banks.

The proposals in respect of the procedure of interrogation are fully regulated by Articles 187, 189 and 190 of CCP of RF. Besides, it should be noted that there is no need to record all interrogations with the help of electronic recording means. At the same time, in accordance with part 4 of Article 189 of CCP of RF, both upon the initiative of the investigator and at the request of the person who is being interrogated, photographs, audio or video recording may be made during the interrogation.

While carrying out operational and search activities, operating officers wear civilian clothes.

When using physical force, special means and firearms, police officers are guided by the requirements of the Law "About Police".

**Clause No. 33 of the CPT Report:**

The procedure of detention of a suspect, which is established by Articles 92 and 96 of the Code of Criminal Procedure of the Russian Federation and regulates its period, forms and peculiarities, is sufficient. Besides, not only relatives or other interested individuals are notified of the detention, but also, in writing and within 12 hours, the Prosecutor, who has the right of direct access to the detained person, which is an additional guarantee of observance of rights and freedoms of the detained person.

The responsibility of the investigator to clarify to the suspect the rights established by Article 46 of CCP is provided in Article 92 of CCP; in this case a special note is made in the protocol of detention. The protocol of detention, after being read, is signed not only by the person who has executed it, but also by the suspect.



**Clauses No. 34-36, 41 and 43 of the CPT Report:**

In accordance with article 14 of the Federal Law of February 7, 2011 No. 3-FZ “About Police”, the right to get legal assistance, to notify close relatives or close persons of the fact of detention, to refuse to give explanations is clarified to the detainee (hereinafter referred to as the detained person). The period of detention shall be counted from the moment of actual restriction of freedom of movement for the person.

The detained person is entitled to use, in accordance with federal law, the services of a lawyer (defense attorney) and a translator from the moment of detention. The detained person, within the shortest possible time, but not later than three hours after the moment of detention, unless otherwise provided by the criminal procedure legislation of the Russian Federation, has the right to make one telephone call to notify close relatives or close individuals of his/her detention and current location. Such notification may be made by a police office at the request of the detained person. Each case of detaining a juvenile is immediately notified by the police to his/her parents or other lawful representatives. The police notify the embassy (consulate) of the relevant country of the detention of a foreign citizen or a national of foreign country in accordance with the laws of the Russian Federation.

The procedure of interrogation is regulated by Articles 187, 189 and 190 of CCP.

Besides, it should be noted that there is no need to record all interrogations with the help of electronic recording means. At the same time, it should be taken into account that, in accordance with part four of Article 189 of CCP, both upon the initiative of the investigator and at the request of the person who is being interrogated, photographs, audio or video recording may be made during the interrogation.

**Clauses No. 37 and 39 of the CPT Report:**

The issues of medical provision to suspects and accused persons during their stay in temporary detention facilities for suspects and accused persons of internal affairs agencies (hereinafter referred to as IVS) are also regulated by the federal laws.

According to Article 26 of Federal Law No. 323-FZ of November 21, 2011 “On health protection of citizens in the Russian Federation”, persons who have been detained or taken into custody or who serve their sentence being restricted of liberty, arrested, deprived of liberty or being under administrative arrest, are entitled to medical assistance, including cases of emergency, in health care institutions of the public health care system and the municipal health care system, in accordance with the laws of the Russian Federation.

At the same time, in accordance with Article 17 of Federal Law No. 103-FZ of July 15, 1995 “On detention in custody of suspects and individuals charged with criminal offenses”, suspects and accused persons are entitled to medical and sanitary service, in particular, during their participation in investigative activities and court proceedings.

Article 24 of Federal Law No. 103-FZ provides that curative and preventive activity in the places of custody is carried out in accordance with the legislation on health care of citizens. The procedure of delivery of health care, including psychiatric care, to suspects and accused persons, as well as the procedure of their stay in health care institutions and involving the staff of these institutions in provision of medical service to these persons, are defined by the federal executive body in charge of the development of the state policy and legal regulation in the sphere of health care, the federal executive body in the field of security and the federal executive body in charge of the development and implementation of the state policy and legal regulation in the sphere of internal affairs.

If the health of a suspect or accused person deteriorates or if he/she is injured, his/her medical examination shall be immediately performed by medical staff of the detention facility. The results of the medical examination are recorded in the prescribed manner and communicated to suspects and accused person. At the request of the suspect or accused person or his/her defense attorney, a copy of the conclusion of the medical examination is issued to him/her. By the decision of the head of the place of detention, or the individual or body in charge of the criminal case, or upon a petition of the suspect or the accused person or his/her defense attorney, medical examination is performed by employees of other health care institutions. The refusal to authorize such an examination may be appealed to the prosecutor or to the court.

Paragraphs 8 and 9 of the Regulations on the Procedure of Serving Administrative Arrest approved by the Decree of the Government of the Russian Federation No. 726 of October 2, 2002, provide that detainees arrived to special facilities for persons subjected to administrative arrest, shall undergo primary medical examination performed by a medical professional with the aim to identify persons in need of medical aid. Medical aid is provided to detainees in public and municipal health care institutions in accordance with the laws of the Russian Federation.

The CPT Report contains the remark that in a number of IVS facilities visited by representatives of the CPT detainees were examined by a feldsher, while in IVS facilities with no medical staff detainees were screened for health problems and injuries by a medically untrained duty officer.

In accordance with the Order of the MOI of Russia No. 309 of May 20, 2004 "On approval of standard manning tables of temporary detention facilities for suspects and accused persons, units of guard forces and convoy of suspects and accused persons", positions of a doctor and feldsher are provided for in the manning tables of IVS facilities, depending on the limit of places. Accordingly, medical specialists that are on the manning table are involved in medical examination of persons arriving for detention in IVS.

Paragraph 9 of the Instruction of the procedure to provide medical and sanitary aid to persons held in temporary detention facilities of internal affairs agencies approved by the Order of the MOI of Russia and the Ministry of Health of Russia No. 1115/475 of December 31, 1999 "On approval of the Instruction of the procedure to provide medical and sanitary aid to persons held in temporary detention facilities of internal affairs agencies" defines that within the first day of staying in IVS all newly arrived inmates shall undergo medical examination in order to identify persons with infectious diseases dangerous for surrounding persons, as well as sick persons in need of urgent medical aid. In these circumstances, special attention is paid to the availability of the signs of skin and venereal diseases, mental illnesses, head lice infestation, scabies.

The examination shall be performed by a medical professional in a surgery. The sick and persons complaining of poor health condition shall be registered in the record book for examination of IVS inmates.

In the event of the absence of the medical professional at the time when suspects and accused persons arrive in IVS, the duty officer of IVS, and if the staff duty officer of IVS is absent, the duty officer (assistant to the duty officer) of an internal affairs agency shall inquire them as regards their health condition.

If newcomers complain of sickness or signs of a disease (injury), the duty officer of IVS (duty officer or assistant of the duty officer of an internal affairs agency) shall immediately call a medical professional of IVS or an ambulance crew.

The results of inquiry of suspects and accused persons, complaints of the health condition medical aid provided to them made during such an inquiry shall be recorded in the record book of medical examination of persons detained in IVS, which shall be kept in the medical unit of IVS, and in the absence of the medical professional it shall be kept by the duty officer of IVS (duty officer or assistant of the duty officer of an internal affairs agency).

In accordance with the Order of the Ministry of Health and Social Development of Russia No. 541n of July 23, 2010 “On approval of the Unified Job Evaluation Catalogue of Positions of Managers, Specialists and Employees” (section “Job Descriptions of Positions in the Sphere of Health Care”), these positions can be taken by individuals with professional education in relevant profession.

In order to improve the quality of medical, preventive, sanitary and anti-epidemic activities in specialized establishments, in addition to the Order of the MOI of Russia and the Ministry of Health of Russia No. 1115/475 of December 31, 1999 Instruction No. 1/7223 of August 23, 2011 “On the optimization of medical and other support of the activities of specialized establishments of territorial agencies of the MOI of Russia” was prepared and sent to territorial agencies of the Ministry of the Interior of Russia; also, the following documents were issued:

“On approval of the Regulation of the Government of the Russian Federation No. 3 of January 14, 2011 the Instruction of the procedure to provide medical and sanitary aid to persons held in temporary detention facilities “On medical examination of persons suspected in and charged with of internal affairs agencies”, committing crimes”;

the Regulation of the Government of the Russian Federation No. 301 of April 16, 2012 “On approval of the Regulations on detention conditions, nutritional standard and procedure for medical service provision for detainees in In an effort to check the status of health care for persons staying in detention facilities of territorial agencies of the MOI of Russia, an agreement was reached with the Administration of the Human Rights Commissioner in the Russian Federation to organize joint visits to subjects of the Russian Federation.

Territorial agencies of the Ministry of the Interior of the Russian Federation”. Thus, from 20 to 25 April 2012, a joint visit was organized together with the representative of the Human Rights Commissioner in the Russian Federation E.V. Novinsky to the MOI of Russia for the Kabardino-Balkar Republic in order to check the status of living conditions of persons detained in IVS.

From 24 to 28 September 2012, another visit was organized together with the representative of the Human Rights Commissioner in the Russian Federation G.D. Novikova to the Main Directorate of the MOI of Russia for the Altai Krai in order to check the status of living conditions of persons detained in IVS.

Following the results of the visits, the remarks specified in the CPT Report were not confirmed.

Besides, all inspecting organizations made no remarks in respect of timely providing detainees with the right of access to a doctor and medical examination of these persons.

#### **Clause No. 40 of the CPT Report:**

Article 196 of CCP provides that in order to determine the nature and extent of harm caused to health the forensic medical examination has to be authorized. In accordance with the order of the Ministry of Health and Social Development of Russia No. 346n of May 12, 2010 “On Approval of the Procedure for Organization and Performance of Forensic Medical Examinations in the Russian Federation” a forensic medical examination is carried out by state experts of state forensic institutions having a license for medical activities in the relevant areas.

Thus, this is the competence of state forensic institutions of the Ministry of Health of Russia to carry out forensic medical examinations and determine the nature and extent of bodily injuries of detainees, but not that of medical employees of IVS facilities.

**Clause No. 42 of the CPT Report:**

The MOI of Russia attaches prime significance to the issue of observance of the rights of minors staying in places of detention.

A large work has been performed to improve the legislation; it is aimed at improving the situation of minors staying in places of detention.

Thus, the MOI of Russia took active part in the work on the draft Federal Law No. 604499-5 “On amending Articles 15 and 22 of the Federal Law “On the Basics of the System of Preventing Minor Child Neglect and Juvenile Delinquency”, which defines the procedure of communication of minors staying in temporary detention centers for juvenile offenders belonged to the internal affairs agencies (hereinafter referred to as TDCJO) with members of public monitoring commissions.

This draft law was adopted by the Federal Assembly of the Russian Federation, signed by the President of the Russian Federation on December 30, 2012 under the number 319-FZ and entered into force on January 30 2013.

Articles 15 and 22 of the Federal Law “On the Basics of the System of Preventing Minor Child Neglect and Juvenile Delinquency” were supplemented with the provision saying that members of public monitoring commissions shall only speak to juveniles in TDCJOs and special educational establishments of closed type under the conditions that allow representatives of the administration of such establishments to see them but not hear the content of conversations.

**Clause No. 44 of the CPT Report:**

The legal framework regulating the activities of duty stations of territorial bodies of the MOI of Russia has been improved. The MOI of Russia issued the following orders:

No. 408 of May 25, 2011 “On approval of the procedure for forming and maintaining the register of detained persons”;

No. 389 of April 30, 2012 “On approval of the Instruction on the procedure for performing the duties and exercising the rights of police in the duty station of a territorial agency of the MOI of Russia after delivering citizens” (registered in the Ministry of Justice of the Russian Federation on June 26, 2012, registration number 24696).

This Instruction provides for the procedure and forms of control, obligations and the sequence of actions of operating duty officers for the purpose of carrying out procedural actions stipulated by the legislation of the Russian Federation, as well as in order to ensure the observance of rights and freedoms of persons delivered to police control rooms.

The guidelines have been developed for verification of the legal grounds for delivery and detention of persons delivered to police control rooms, as well as the algorithm of actions of authorized officials of internal affairs agencies after the delivery of various categories of citizens to the police control rooms. Responsible representatives of executive staff exercise daily secret checks of day duty shifts, including those that perform their duties in the premises for detainees.

**Clauses No. 45, 46 and 47 of the CPT Report:**

Special premises of the police control room intended for persons detained by the police (hereinafter referred as holding cells) of police division No. 10 of the Directorate of the MOI of Russia for Saint Petersburg have been repaired, all holding cells have been brought in compliance with the requirements of the Order of the MOI of Russia No. 389 of April 30, 2012 “On approval of the Instruction on the procedure for performing the duties and exercising the rights of police in police control room of a territorial agency of the MOI of Russia after delivering citizens”.

In police division No. 15 of the Directorate of the MOI of Russia for Saint Petersburg and police division No. 9 of the Directorate of the MOI of Russia for Kazan holding cells are cleaned in accordance with the approved internal regulations, detainees are provided with meals and bedding items in accordance with the requirements of the Regulation of the Government of the Russian Federation No. 301 of April 16, 2012 “On approval of the Regulations on detention conditions, nutritional standards and procedure for medical service provision for detainees in territorial agencies of the Ministry of the Interior of the Russian Federation”.

The operation of holding cells has been suspended in the police control room of police division No. 5 of the Directorate of the MOI of Russia for Ufa by the Executive Order of the Head of the Directorate of the MOI of Russia for Ufa No. 20/10512 of June 5, 2012.

In compliance with the Regulation of the Government of the Russian Federation No. 301 of April 16, 2012 “On approval of the Regulations on detention conditions, nutritional standards and procedure for medical service provision for detainees in territorial agencies of the Ministry of the Interior of the Russian Federation” the plan of measures aimed at bringing the holding cells of the police divisions of the Directorate of the MOI of Russia for Ufa has been approved. The repair works are planned to be commenced in April 2013 after the bidding procedures.

Sets of packed meals have been purchased for providing detainees with meals on the basis of the average occupancy rate.

In order to bring the confinement conditions in holding cells of police control rooms for persons who are detained for the period exceeding 3 hours in compliance with recommendations stipulated in regulations of the ECHR and reports of the CPT, the Government of Russia, with participation of the MOI of Russia, developed and issued the Regulations No. 301 of April 16, 2012 “On approval of the Regulations on detention conditions, nutritional standards and procedure for medical service provision for detainees in territorial agencies of the Ministry of the Interior of the Russian Federation”, the MOI of Russia issued Order No. 389 of April 30, 2012 “On approval of the Instruction on the procedure for performing the duties and exercising the rights of police in the police control room of a territorial agency of the MOI of Russia after delivering citizens”.

### **Clauses No. 50 and 51 of the CPT Report:**

The Directorate of the MOI of Russia for the Vladimir Region took measures to eliminate the deficiencies identified with due consideration of recommendations given by the experts during their visits to special establishments.

Thus, based on the fact of the lack of an outdoor exercise facility in the IVS, the Directorate of the MOI of Russia for Vladimir made and sent to the MOI of Russia the relevant request, which resulted in the allocation of target-oriented funds in the amount of RUR3.100.000 to carry out repair works during the planning period of the year 2013 . The open electronic auction is currently being held to determine a contracting organization for the performance of works.

In order to provide each detainee with an individual sleeping place in the cells, the administration of the IVS of the Interregional Department of the MOI of Russia for Gus-Khrustalnyi installed 49 individual sleeping places, with the current limit of 41 places (based on 4 sq. m for one detainee and less sanitary area).

As regards the overcrowding of detainees in the cells of the IVS, this issue is addressed as it arises, taking into account the possibility to settle detainees in the nearby IVS of the Division of the MOI of Russia for the Sudogodsky District and to transfer detainees on an extraordinary basis to establishments of the FSIN of Russia in the Vladimir Region.

The work on the separation of sanitary facilities in the cells of the IVS with partitions has been partially accomplished; at present, private places have been separated with partitions in half of the cells (6 out of 12), in other cells the works are underway.

IVS No. 1 of the Directorate of the MOI of Russia for Kazan was built in 2000, capital repair has not been carried out. In June 2012, in the frame of preparation for the XXVII World Summer Universiade 2013, the MOI of Russia allocated target-oriented funds in the amount of RUR35 million for the capital repair.

To date, the foundations and walls of outdoor exercise facilities have been reinforced, the roof has been replaced. The cells are brought in compliance with the standards of sanitary area of at least 4 sq. m of living space per detainee. In all cells the walls have been smoothly plastered for painting, floors are wood-covered, window apertures have been widened, plastic glass units have been installed, electric wire and lighting have been replaced. The work to replace the ventilation system is underway.

The repair is scheduled for completion in May 2013.

In the IVS of the Directorate of the MOI of Russia for the Krasnogvardeyskiy District of Saint Petersburg, the outdoor exercise yard was closed as of the time of the inspection because the key had been broken. To date, the lock has been replaced.

Insufficient lighting for reading and writing, as well as the lack of an outdoor exercise yard were noted in the IVS of The Directorate of the MOI of Russia for Petrogradskiy District in Saint Petersburg. At present, additional lighting fixtures have been installed in the cells. Supply and exhaust ventilation in the cells operates in full. An outdoor exercise yard was built in November 2012.

**Clause No. 52 of the CPT Report:**

In accordance with the requirements of the Order of the MOI of Russia No. 876 of July 25, 2011 “On approval of special technical requirements for engineering and technical resistance of temporary detention facilities for suspects and accused persons of internal affairs agencies”, the rooms for investigation activities are equipped with metal lattice partitions from floor to ceiling made of vertical steel rods with the diameter of at least 15 mm and horizontal bars with cross-section of 60x5 mm, the size of cells is 200x100 mm. In the partition there will be a door equipped with a lock of a cell type.

In IVS No. 1 of the Directorate of the MOI of Russia for Kazan the handcuffs fixed to the wall in front of the duty office have been disassembled. This device is not used in other territorial agencies of the MOI of Russia.

**Clause No. 53 of the CPT Report:**

The premises of the special detention centre for persons under administrative arrest in the Directorate of the MOI of Russia 27 cells with the limit of occupancy for Izhevsk are situated on the ground and first floors of the building for special purpose police establishments of the MOI for the Udmurt Republic. 101 beds are used for accommodation of detainees.

All cells are equipped with window apertures, exterior glazing is made of glass of the “Moroz” type, which meets the requirements of the Instruction on designing objects of internal affairs agencies In-cell sanitary facilities are situated in separate cabins. contained in the Code of Practices SP 12-95. Besides, sanitary facilities are separated from the living zone with partitions more than 1 meter from the floor, which provides for conditions of privacy.

**Clauses No. 54 and 55 of the CPT Report:**

The conditions in the special detention centre for persons under administrative arrest in the Directorate of the MOI of Russia for Ufa (hereinafter referred to as the special detention center) were recognized as generally meeting the requirements of applicable legislation during the visit of the CPT delegation, however, it recommended to reduce the official occupancy levels in all the cells and to continue the refurbishment in the cells of the special detention center.

The MOI for the Republic of Bashkortostan has taken in consideration all these recommendations, which resulted in sending a letter to the MOI of Russia regarding the need to carry out repair works in the special detention center of the Directorate of the MOI of Russia for Persons under administrative arrest may be involved, with their consent, Ufa to the preliminary amount of RUR4 million.to labour activities under agreements with the organizations of state, municipal and private forms of ownership. Money received from all types of work of persons under administrative arrest may be used, with their consent, to pay expenses associated with accommodation, meals and medical services, as well as for addressing social and living issues.

All persons under administrative arrest have the right to a telephone conversation with their relatives, to a daily outdoor exercises during at least one hour, as well as the right to enjoy board games, read newspapers and magazines, listen to the radio, etc.

**Clause No. 56 of the CPT Report:**

Federal Law No. 244-FZ of December 3, 2012 “On amending the Budget Code of the Russian Federation and certain legal acts of the Russian Federation” introduced amendments to a number of legal acts regulating the procedure of enforcement of court judgments on the detention of foreign nationals and stateless persons awaiting administrative deportation outside the Russian Federation, in particular, amendments to Federal Law No. 184-FZ of October 6, 1999 “On General Principles of Organization of the Legislative (Representative) and Executive Bodies of State Power of the Subjects of the Russian Federation”, which provide that the powers of the bodies of the state power of a subject of the Russian Federation shall include addressing the issues of selection of buildings and (or) premises for special establishment to accommodate foreign citizens (hereinafter referred to as special establishments) and transfer such premises, before January 1, 2016, to a federal body of state power authorized to exercise the functions of control and supervision in the field of migration.

The Federal Migration Service and its territorial agencies are authorized to ensure the operation of special establishments from January 1, 2014.

Until the specified date, the police shall continue accommodating foreign citizens in the premises of internal affairs agencies. Appropriate amendments have been introduced to Article 54 of the Law “About Police”.

**Clauses No. 57, 58, 59, 60 and 61 of the CPT Report:**

The administration of the temporary detention centre for juvenile offenders of the MOI of Russia for the Republic of Bashkortostan (hereinafter referred to as the TDCJO) has equipped the sports hall 40.3 sq. m in area with modern exercise machines and sports equipment, ensured conditions for meetings with relatives, who are informed about the possibility to stay in nearby hotels.

In accordance with the requirements of the Order of the MOI of Russia No. 839 of September 1, 2012 “On improving the activities of temporary detention centers for juvenile offenders”, personal items of minors (money, foreign currency, securities, identification documents, photo cameras, photo, audio and video materials, equipment for audio and video recording, communication means, electric appliances and optical devices, pharmaceutical substances, medical supplies and other things, which are not withdrawn from or limited in circulation in accordance with the laws of the Russian Federation) are to be given for keeping in a prescribed manner to an official of the TDCJO responsible for the safekeeping thereof and are stored until the expiry of the period of detention of minors.

**Clause No. 62 of the CPT Report:**

The area of sanitary space per remand prisoner in most pre-trial detention facilities of the penal system conforms with the standard established by the laws of the Russian Federation and as of April 1, 2012, its average area in Russia was 4.4 sq. m.

In accordance with the instructions of the FSIN of Russia No. 10/1-3694 of November 6, 2008, No. 10/1-3558 of September 9, 2009, No. 13-3729-01 of March 9, 2011, No. 01-4910 of February 21, 2013, the full partitioning of in-cell toilet facilities from the living space of the cells of pre-trial detention facilities and correctional institutions is ensured. In order to bring the conditions for remand prisoners in pre-trial detention facilities in compliance with statutory requirements, the FSIN of Russia sent instructions No. 6-8603-08 of May 3, 2012 and No. 6-9143-05 of May 14, 2012 to its territorial agencies on taking appropriate measures.

Besides, in the year 2011 the FSIN of Russia carried out the work to improve the organization of activities of pre-trial detention facilities, ensure stable and controlled operating environment in these facilities, prevent crimes among remand prisoners, improve confinement conditions, observe rights and legitimate interests of suspects, accused persons and sentenced prisoners, increase technical equipment of SIZOs. The increase in the funding of the system brought positive results. and prisons, implement measures aimed at the reform of the penal system. For the last years, the amount of funding has grown significantly: more than 12 times for 10 years.

The material and technical base of the establishments is being strengthened, a set of measure is being implemented in order to create conditions of confinement for suspects and accused persons meeting the requirements of international standards. Consistent and systematic work is being carried out to create additional places to accommodate persons taken into custody.

The Federal Target Programme “Development of the penal system (2007–2016)” approved by the Government of the Russia Federation has been implemented since 2007.

Capital investments in the amount of RUR9,389.4 million and RUR195 million, accordingly, have been allocated in 2009-2011 for construction and reconstruction of SIZOs from federal budget resources provided for the implementation of the Federal Target Programmes “Development of the penal system (2007–2016)” and “Socio-economic development of the Chechen Republic (2008–2012)”.

Within the said period 8.154 thousand places were commissioned in SIZOs.

According to the passport of the Federal Target Programme “Development of the penal system (2007–2016)”, in the years 2012-2016, budgetary funds in the amount of RUR44,140.5 million are to be allocated for the implementation of measures on construction and reconstruction of SIZOs with 23.819 thousand places to be commissioned.

By 2017, the implementation of the said programme will have enabled bringing the accommodation of persons on remand in SIZOs in compliance with the laws of the Russian Federation, as well as commissioning 26 pre-trial detention facilities meeting international standards of confinement.



The FSIN of Russia took part in the development of the draft federal law on amending Article 110 of the Code of Criminal Procedure of the Russian Federation and Article 24 of Federal Law No. 103-FZ of July 15, 1995 “On detention in custody of suspects and individuals charged with criminal offenses”. This draft law provides for changing the measure of restraint in the form of taking into custody for a suspect or accused person having a serious disease that prevents his detention on remand.

In order to confine the application of the measure of restraint in the form of taking into custody in respect of persons held criminally liable for committing business crimes, Federal Law No. 383-FZ of December 29, 2009 “On Amendments to Part I of the Tax Code and Certain Legal Acts of the Russian Federation” was adopted.

Federal Law No. 420-FZ of December 07, 2011 “On amending the Criminal Code of the Russian Federation and Certain Legal Acts of the Russian Federation” introduced amendments and supplements to Article 107 of the Code of Criminal Procedure of the Russian Federation defining the grounds of and procedure for application of a preventive measure in the form of house arrest to suspects and accused persons. The said amendments, which came into force on January 1, 2012, allowed courts to choose this preventive measure to suspects and accused persons more actively. To date, the preventive measure in the form of house arrest has been chosen in respect of 151 suspects and accused persons. The said persons are under control of penal inspections. Further expansion of the use of house arrest as an alternative to detention of suspects or accused persons on remand will contribute to further reduction of the number of persons in pre-trial detention facilities.

The Order of the Ministry of Justice of Russia No. 134 of April 22, 2011 brought the limits of all pre-trial detention facilities in conformity with actual availability of living space for accommodation of persons in custody. The same Order effected the commissioning of 1924 additional places created in jail-type institutions in 2010, including 1869 places in the frame of implementation of the Federal Target Programme. In particular, new pre-trial detention facilities have been established in the Nizhny Novgorod and Tambov Regions.

“Development of penal system (2007–2016)” Generally recognized provisions of international law pertaining to organization of detention of suspects and accused persons in custody were analysed; this analysis resulted in the preparation of the draft federal law “On introducing amendments and 55 places at the expense of other sources of funding. And supplements in the Federal Law “On detention in custody of suspects and individuals charged with criminal offenses” and other legal acts” aimed at the improvement of conditions of detention in custody of suspects. In accordance with recommendations of the European Court of Human Rights, it is proposed to provide that suspects and individuals charged with criminal offenses and at bringing a number of provisions of and accused persons shall not be accommodated in the conditions with the living space in a cell Federal Law No. 103-FZ of July 15, 1995 per inmate less than the federal minimum standard, except in the following cases:

“On detention in custody of suspects in the absence of any opportunity to meet the standards of living space in a cell. and individuals charged with criminal offenses” In this case the period of stay of a suspect and accused person in conformity with provisions of international laws in the conditions not meeting the standards of living space shall not exceed 60 days of the entire term of detention in custody;

in the event of the establishment of a special condition regime - up to the cancellation of the special condition regime.

At the same time, the Law provides that if a suspect or accused person is accommodated in constraint conditions, the living space in a cell per inmate shall not be less than two and a half square metres.

In this case, it is provided that improved living conditions are ensured for such suspects and accused persons. Daily outdoor exercises shall last at least two hours; there shall be an opportunity of physical exercise during the outdoor walk; sanitization in the shower shall be ensured at least twice a week.

It is proposed to prohibit the accommodation of minors, as well as women in the conditions with the living space in the cell per inmate less than the established standard.

**Clause No. 63 of the CPT Report:**

Due to the fact that the European Court of Human Rights, adopted the judgment in the case of *Ananyev and Others vs. Russia*, the Directorate for Organization of Activities of Prisons and Detention Facilities of the FSIN of Russia carried out a number of measures to eliminate violations specified in this judgment, in particular, to reduce the number of persons taken into custody in detention facilities.

Instructions (No. 6-8603-08 of May 3, 2012, No. 6-9143-05 of May 14, 2012 and No. 6-11216-08 of June 9, 2012) to take measures for the elimination of violations specified in this judgment were sent to territorial agencies of the FSIN of Russia.

In the frame of implementation of the instructions given by the FSIN of Russia to its territorial agencies, measures are being taken to reduce the number of detainees in pre-trial detention facilities. The administration of facilities has established interaction with courts in respect of timely reception of court judgments pertaining to sending the convicted for further serving their sentences, their release from custody, extension of detention periods. Prosecution agencies are notified of long periods of detention of suspects and accused persons. Joint meetings with courts were held; their participants addressed the issues of impose a pre-trial restraint without taking into custody persons charged with minor offences, as well as the notification of courts of the number of persons in remand with excessive periods of consideration of criminal cases in the courts of first and second instances. Besides, in all regions the heads of detention facilities inform judges of the occupancy of their establishments.

Heads of establishments and territorial agencies of the FSIN of Russia analyze the number of persons in respect of which the preventive measure in the form of detention in custody is chosen; the results of this analysis give rise to regular redistribution of districts referred to detention facilities.

As a result of the measures taken, as well as due to redistribution of districts and more efficient use of PFRSI in most territorial agencies of the FSIN of Russia, the conditions in detention facilities have been brought in compliance with the requirements of Article 23 of Federal Law No. 103-FZ of July 15, 1995 "On detention in custody of suspects and individuals charged with criminal offenses". Territorial agencies of the FSIN of Russia, continue their efforts to fully isolate in-cell sanitary conveniences in detention facilities. 64% of cells have been equipped with full partitions. In detention facilities of 32 territorial agencies of the FSIN of Russia, sanitary conveniences have been fully equipped with partitions.

In accordance with the Design standards for detention facilities and prisons, outdoor exercise yards are to be located at secure blocks and placed at the ground floor level or on the roof of the secure block. Such location of outdoor exercise yards and their dimensions are explained by the fact that many detention facilities are situated within cities and are surrounded with automobile roads or various buildings, which hinders their expansion.

The issue of outfitting outdoor exercise yards at the ground floor level and their expansion may be considered during reconstruction of the establishments in the frame of the new federal target programme.

**Clause No. 64 of the CPT Report:**

Besides taking organizational measures to reduce the number of persons detained in custody and implementing measures to bring the conditions of detention of suspects and accused persons in compliance with the European standards, the FSIN of Russia has prepared a number of proposals to amend statutory instruments regulating the procedure of detention in custody of suspects and accused persons.

The applicable departmental design standards SP-15-01 provide that the standard of living space per inmate should be at least 4 sq. m, the living space of a single-occupancy cell should be at least 6 sq. m (not counting the area taken up by the in-cell toilet).

**Clause No. 65 of the CPT Report:**

Due to the humanization of criminal policy in the Russian Federation, more emphasis is put on alternative punishments.

Nowadays, 2459 penal inspections and their branches (hereinafter referred to as PI) are active in the penal system; they have been established in every administrative territorial unit. These institutions execute punishments and other criminal law measures not involving deprivation of liberty. About 1 million sentenced prisoners are registered with these inspections annually.

In 2012, PIs registered 955,285 (998,751 in 2011) persons sentenced non-custodial punishments and criminal law sanctions, including 32,735 juveniles (39,121 in 2011); among them:

35,651 people were sentenced to the deprivation of the right to hold certain positions or be engaged in certain activities (35,256 people in 2011), including 9,415 people, for whom this was the primary punishment (7,741 people in 2011);

103,252 people were sentenced to compulsory works (112,523 people in 2011);

103,206 people were sentenced to correctional labour (74,389 people in 2011);

40,164 people were sentenced to the deprivation of liberty (19,481 people in 2011);

688,267 people were given a conditional sentence (773,513 people in 2011);

10,981 were given a suspended sentence (Article 82 of the Criminal Code of the Russian Federation) (11,104 people in 2011).

Federal Law No. 420-FZ of December 07, 2011 "On amending the Criminal Code of the Russian Federation and Certain Legal Acts of the Russian Federation" imposed on PIs the function of control over the convicted with suspended sentences who have been recognized drug addicts. According to Article 82<sup>1</sup> of the Criminal Code of the Russian Federation, the court may suspend the service of a sentence in the form of deprivation of liberty up to the end of treatment, medical and social rehabilitation, but not more than for five years, in respect of persons who have committed crimes of little and medium gravity in illicit trafficking in drugs and who suffer from drug addiction. In 2012, PIs received for execution 91 court judgments to suspend the service of sentences for persons convicted under part 1 of Article 228 of the Criminal Code of the Russian Federation and recognized to be drug addicts.

Federal Law No. 420-FZ of December 7, 2011 introduced amendments to Article 107 of the Code of Criminal Procedure of the Russian Federation, which regulate the grounds and procedure for application of a preventive measure in the form of house arrest to suspects and accused persons. The new version of the said Article is intended to reduce the number of persons in respect of which the court has chosen the preventive measure in the form of detention in custody. Thus, in 2012, the preventive measure in the form of house arrest has been chosen in respect of 2,222 suspects and accused persons. So, the judicial practice is changing in respect of choosing preventive measures alternative to detention in custody. As of March 1, 2012, the PIs registered 970 suspects or accused persons placed under house arrest (181 as of March 1, 2011).

The applicable departmental design standards SP-15-01 provide that the standard of living space per inmate is to be at least 4 sq. m. The area of a single-occupancy cell is at least 6 sq. m.

The draft of the Design standards for correctional establishments (Part 1 “Prisons”) provides for the same standard of area for one inmate (without the area of the sanitary facilities), i.e. 4 sq. metres and 6 sq. metres in single-occupancy cells. This standard might be approved after relevant amendment have been introduced into the Code of Criminal Procedure of the Russian Federation.

It is planned to take into account the recommendations of the ECHR and CPT when developing the new federal target programme.

**Clause No. 66 of the CPT Report:**

The Russian legislation regulating the procedure for detention in custody of suspects and individuals charged with crimes provides for the accommodation of remand prisoners in cells with restrictions in respect of communication between each other and with persons who are at liberty. In accordance with Article 3 of Federal Law No. 103-FZ of July 15, 1995, “On detention in custody of suspects and individuals charged with criminal offenses”, These measures are caused by the need to isolate various categories of suspects and accused persons to ensure law and order, as well as to exclude the possibility of influencing the investigation of criminal cases and judicial proceedings.

The detention in custody of suspects and individuals charged with criminal offenses In order to improve conditions of detention in custody of suspects shall be executed in order to ensure the fulfillment of requirements of the criminal procedure legislation. and individuals charged with criminal offenses and to bring these conditions in compliance with requirements of generally recognized provisions of international law in the frame of implementation of the Concept of Development of the Penal System up to 2020 approved by the Regulation of the Government of the Russian Federation No. 1772-r of October 14, 2010, the draft federal law has been prepared under the title of “On introduction of amendments The draft law also contains a proposal to provide an additional opportunity to be taken out and supplements to the Federal Law “On detention in custody of suspects for sanitary treatment and to increase the time of outdoor exercises for persons detained in overcrowded cells.

And individuals charged with criminal offenses” and other legislative acts”, Taking into account the recommendations of the European Court of Human Rights, changes are introduced into the procedure of allowing suspects and accused persons to meet their relatives which contains the proposal to impose on the administration of a detention facility the obligation to create conditions to involve and other people. suspects and accused persons The draft law provides that no permit from the person or the body in charge of the criminal case proceedings is necessary to allow detainees to meet their relatives. in labour, as well as the proposal to adopt the rule providing that the administration of a detention facility, together with state or municipal executive bodies operating in the field of education, shall ensure for suspected and accused juveniles the opportunity to get education according to the programmes of primary general education, basic general education and secondary general education. Besides, the draft law expands the list of incentives and penalties that can be applied to suspects and accused persons.

At present, in the frame of the pilot-judgment of the European Court of Human Rights on complaints No. 42525/07 and 60800/08 *Ananyev and Others v. Russia* (issued on January 10, 2012, came into force on April 10, 2012), the issues of improving the regime for remand prisoners are being considered, in particular, with consideration of the improvement of construction standards.

During the pretrial detention suspects and accused persons spend a considerable amount of time outside their cells.

They take part in investigation activities and for this purpose they are taken out of cells to meet their investigator.

For the purpose of realization of the constitutional right of persons in custody to defense, they are provided with the opportunity to meet their lawyers. In accordance with Article 18 of the Federal Law, the number and the time of meetings is not limited.

Persons in custody also have the right to short meetings with relatives and other people subject to availability of an appropriate permission from the person or the body in charge of the criminal case proceedings. Meetings take place in specially equipped premises outside secure blocks. These premises are equipped in accordance with requirements of the Design standards for detention facilities and prisons of the penal system.

In accordance with Article 17 of the Federal Law, suspects and accused persons, including those who have been incarcerated in disciplinary cells (*kartzers*), enjoy everyday outdoor exercises for at least one hour.

Suspects and accused persons detained in SIZOs have the opportunity to worship in premises specially equipped for these purposes.

Besides, remand prisoners are taken out of cells to have a shower and carry out sanitary treatment of their clothes and bed cloths.

Upon a written application, remand prisoners are taken out of the cell to meet representatives of the SIZO administration.

Suspects and accused persons in custody are provided with the opportunity to work if available. The applicable standards provide for workshops in detention facilities and correctional establishments; similar provision is included into the draft of the standards for new prisons and SIZOs.

Physical education of sentenced prisoners is carried out in correctional establishments of the PI; 2,505 sports grounds and gyms have been equipped.

The regime of new type prisons provide for educational work with sentenced prisoners, which is to include cultural, sports and educational events.

Persons suspected in and accused of committing crimes, who are retained in detention facilities of the FSIN of Russia are provided with conditions for everyday outdoor exercises and sport exercises.

There is a positive trend of decline the number of juvenile suspects and accused persons. Within the period from 2007 to 2012, the number of juvenile suspects and accused persons reduced from 5,632 to 1,627 people. This trend occurred pretty much thanks to the changes in judicial practice towards the use of non-custodial measures to minors.

Juvenile suspects and accused persons are distributed to cells based on their age, physical development and pedagogical neglect. They are accommodated in cells with a small number of places intended for accommodation of not more than 4-6 people, separately from adults.

In accordance with the laws of the Russian Federation, juvenile suspects and accused persons are provided with improved living conditions. Cells to accommodate them are equipped with wooden floors, beds, as a rule, consist of one tier. There are board games (chess, checks, dominoes) in every cell.

Everyday outdoor exercises of juvenile suspects and accused persons shall last not less than two hours, they take place in exercise yards equipped with sports facilities providing the opportunity to do physical exercises and play sports games.

Juvenile suspects and accused persons may buy food and essential supplies, as well as other consumer goods in the shop of a detention facility.

Minors are shown films, they are allowed to watch TV programmes, premises for sport exercises and other forms of leisure are equipped for them. There are additional incentives for minors for conscientious performance of their duties and compliance with the established order of detention in the form of showing an additional film, permission for an additional visit to sports facilities, as well as other forms of leisure activities.

Juvenile suspects and accused persons are provided with conditions for self-education.

**Clause No. 67 of the CPT Report:**

The practice of relationships of the staff of the penal system establishments with persons in custody is determined by regulatory legal acts governing the activities of detention facilities, the instructions on the organization of service, as well as by official duties and job descriptions of the staff. Any communications of suspects and accused persons with the staff is only possible in the frame of protection of their rights and legitimate interests and performance of their established duties. Depending on their position, employees of establishments take part in solving problems raised by suspects and accused persons and participate in consideration of their appeals. Those employees who are at watch near cells do not have such authorities, and their communication with persons in custody is a part of ongoing security measures.

In the frame of professional training, retraining, further professional training, as well as service training, the staff of the UIS study international standards and norms in the field of human rights.

All employees newly employed in the penal system do the course of professional training, without which they cannot be allowed to independently perform their official duties.

The curriculum includes the issues of the compliance with provisions of conventions for human rights and fundamental freedoms, against torture and other cruel, inhuman or degrading treatment or punishment, the Minimum Standard Rules of Treatment of Prisoners, the European Prison Rules.

The use of physical force and special means in correctional establishments and detention facilities in respect of sentenced prisoners and persons in custody shall be executed in accordance with the Law of the Russian Federation No. 5473-I of July 21, 1993 "On Institutions and Bodies Executing Criminal Sentences in the Form of Deprivation of Freedom" and Federal Law No. 103-FZ of July 15, 1995 "On detention in custody of suspects and individuals charged with criminal offenses".

In accordance with departmental orders of the Ministry of Justice of Russia regulating the organization of control over sentenced prisoners and remand prisoners, each case of the use of physical force and special means entails timely preparation of documents according to the established requirements.

This fact is registered in the logbook of information on incidents; each entry gives rise to an official investigation, which excludes the participation of employees involved in the occurrence in question. The results of the investigation are sent to relevant competent bodies for them to take a procedural decision according to Articles 144 and 145 of the Code of Criminal Procedure of the Russian Federation. Should bodily injuries be inflicted on suspects and accused persons as a result of use of physical force or special means in the establishments.

Medical aid shall be immediately provided to the injured person, the bodily injuries detected are registered in the relevant medical documentation, as well as in the documents based on the fact of the use of physical force. In accordance with the instructions of the FSIN of Russia (for instance, No. 13-13087-01 of July 5, 2012), and special means.

The improvement of law enforcement practice in terms of use of physical force and special means is ensured. Thus, there exists personal control of the heads of territorial bodies of the FSIN of Russia over the compliance of all cases of applying physical force and special means to suspects and accused persons with the requirements of the Law of the Russian Federation No. 5473-1-I of July 21, 1993 "On Institutions and Bodies Executing Criminal Sentences in the Form of Deprivation of Freedom".

Timely preparation and review of reports and acts on the use of physical force or special means is ensured, as well as timely and comprehensive medical examination of persons in respect of whom they have been applied, the results are recorded in a prescribed manner. Thorough checks are carried out by the commission of the territorial body of the FSIN of Russia in respect of each case of the use of physical force and special means.

Besides, the following records are included on a mandatory basis into the text of conclusions based on the findings of the medical examination of persons accepted to the UIS establishments and kept therein, including those associated with the use of physical force and special means, as well as in the event of the detection of bodily injuries:

- 1) the full record of information given by the person in question related to the medical examination (including his/her assessment of his/her health and any complaints of ill-treatment);
- 2) the full record of objective medical assessment made on the base of thorough examination;
- 3) the conclusion of a medical professional with consideration of the information of clauses 1) and 2) and indicating the extent to which the statements made are consistent with the objective medical examination (a copy of this conclusion shall be given to the examined person and/or his/her lawyer).

In the frame of duty units of the UIS establishments an accelerated procedure has been introduced, which provides that information on the registration of injuries associated with complaints about ill-treatment of sentenced prisoners and remand prisoners (at arrival or after an incident with the use of force in the penal system establishments) is to be regularly sent to prosecution bodies and investigative agencies.

Control has been ensured over the implementation of paragraph 28 of the Procedure of Medical Aid to Persons Serving Sentences in Places of Deprivation of Freedom and Detained in Custody approved by the Joint Order of the Ministry of Health and Social Development of Russia and the Ministry of Justice of Russia No. 640/190 of October 17, 2005, which provides that if a person with bodily injuries has been delivered to an establishment of the UIS, upon the initiative of the duty assistant to the head of The report on the fact of examination shall be submitted to the head of the UIS establishment and the Prosecutor in charge of supervision of the UIS establishment. The attachment of the act to the medical record of the out-patient shall be noted in the list of exact diagnosis on a mandatory basis.

(Operating duty officer) In such a case, it is prohibited to take part in inspections, concerning the use of physical force or special means to sentenced prisoners and remand prisoners, to UIS employees who may have been involved in ill-treatment.

#### **Clause No. 68 of the CPT Report:**

On March 5, 2013, the criminal proceedings was resumed on the fact of the use of special means in respect of an inmate of SIZO-1 in UFA in September 2011. This criminal case is considered by Senior Lieutenant of Justice D.I. Akhmetshin, the investigator of the Interregional Investigative Unit for the Leninsky District of UFA of the Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Bashkortostan

#### **Clauses No. 69-70 of the CPT Report:**

The use of physical force, special means, gas spray guns and firearms in detention facilities of the penal system No facts of the illegal use of physical force and special means by the staff of places of detention in SIZO-1 in Ufa were recorded.

The use of physical force in SIZO-1 in UFA is only allowed in respect of a suspect or accused person to stop the offense being committed by him/her or overcome his/her resistance to the lawful demands of the staff of the places of detention if non-violent methods have failed to stop the offense or ensure the compliance with lawful demands.

The staff of IK No. 1 in Yagul did not apply physical force, as well as violent and degrading treatment to sentenced prisoners.

**Clause No. 71 of the CPT Report:**

Federal Law No. 103-FZ of July 15, 1995 “On detention in custody of suspects and individuals charged with criminal offenses”, In order to prevent ungrounded use of physical force other federal laws and other regulatory acts of the Russian Federation. and special means, as well as to make the administration of the penal system establishments timely send to prosecution and investigative bodies the information on bodily injuries of sentenced and remand prisoners detected by medical professionals, which, according to the victims, were inflicted as a result of unlawful actions of other inmates, the staff of the penal system or law enforcement agencies, the following activities have been ensured in accordance with the instructions of the FSIN of Russia:

- personal control of the heads of territorial bodies of the FSIN of Russia over the compliance of all cases of the use of physical force or special means in respect of suspects, accused persons and sentenced prisoners with the requirements of the Law of the Russian Federation No. 5473-1 of July 21, 1993 “On Institutions and Bodies Executing Criminal Sentences in the Form of Deprivation of Freedom”;

- timely execution and review of reports and acts on the use of physical force or special means, as well as comprehensive medical examination of persons in respect of whom physical force or special means have been applied, with due recording of the findings of the examination. Each occurrence is subject to a thorough check by commissions of the territorial agency of the FSIN of Russia;

- the procedure has been introduced at duty stations of the penal system establishments providing for accelerated submission to investigative and prosecution agencies of the information on the registration of injuries inflicted by persons detained the UIS establishments.

As for medical aid provision, the appointments book is maintained by the duty officer of the block of a detention facility. Before the beginning of the outpatient attendance, this book is passed to the medical unit.

Besides, suspects, accused persons and sentenced prisoners in detention facilities and prisons seek medical aid from a medical professional during his/her daily visits to the cells, and in the event of an acute illness - from any member of the staff. The employee who a suspect, accused person or convict have appealed to must take measures to provide medical aid to such person. In order to receive medical aid, the person who is in need of it is taken to the medical surgery (ambulance station), where medical examination and medical treatment are performed.

Within not more than three days after the arrival to the detention facility, all newly arrived detainees, except for those who are in transit, are thoroughly examined by a doctor (or by a feldsher in feldsher health units), as well as take a photofluorographic examination.

While examining a patient, the doctor asks about his/her complaints, studies his/her medical background and life history, carries out external examination in order to detect bodily injuries, newly made tatoos, other distinguishing marks, carries out comprehensive objective examination using generally accepted methods of examination, palpation, percussion and auscultation, and appoints additional methods of examination, if necessary.

All information obtained during the examination is duly recorded in the outpatient’s card.



All facts of the use of physical force or special means are registered in the logbook of the use of special means and physical force of IK No. 1 in Yagul, with drawing up necessary documents, including the act of medical examination of the convict, and making a conclusion; all materials are sent to the Interregional Investigation Unit of the Zavyalovsky District of the Investigative Directorate of the Investigative Committee of the Russian Federation for the Udmurt Republic for taking a procedural decision; copies of the conclusion are sent to the Prosecutor's Office overseeing the enforcement of laws in correctional establishments of the Udmurt Republic.

No unregistered cases of the use of force and/or special means to prisoners and sentenced prisoners have been revealed. In 2012 and in 2013 to date, while checking the documents on the use of physical force and special force in IK No. 1 in Yagul, the staff of the Medical Unit of the Investigative Directorate of the Investigative Committee of the Zavyalovsky District detected not violations of law.

In the Training Center of the UFSIN of Russia for the Vladimir Region, in the frame of the classes for employees of the penal system establishments who have been newly accepted for service and undergo initial training, and who undergo further professional training, the classes for service training of the staff conducted in detention facilities (PFRSI) and correctional establishments (including the T-2 in Vladimir), the instruction of the officers of duty shifts going on patrol and operating groups in correctional establishments and SIZOs, as well as in other necessary circumstances, the legal grounds and procedure of the use of physical force or special means to suspects, accused persons and sentenced prisoners are communicated to UIS employees on a mandatory basis. In this case, special attention in their studies is paid to practical skills of the use of physical force and special means and practice of recording the procedure of the use thereof (video recording, drawing up the documents on the use, etc.).

In the previous and current year, no facts of unlawful use of physical force and special means in respect of suspects, accused persons and sentenced prisoners by the staff of the establishments of the UFSIN of Russia for the Vladimir Region have been revealed by prosecution and judicial bodies.

During the work of the CPT delegation in T-2 in Vladimir, the members of the delegation failed to reveal any documentary confirmation of unregistered facts of the use of physical force and special means in respect of suspects, accused persons and sentenced prisoners. The allegation of the CPT delegation that, probably, not all cases of the use of physical force and special means are registered is based on the fact that few bodily injuries detected on suspects, accused persons and sentenced prisoners are registered in the medical documentation of the prison.

#### **Clause No. 72 of the CPT Report:**

Necessary documentation on registration discipline is available in all establishments of the UFSIN of Russia for the Udmurt Republic. In particular, the following documentation is maintained in the IK No.1 in Yagul: Logbook for registration of the use of physical force and special means No. 385 of February 2, 2011; Logbook for registration of the use of physical force and special means No. 744 of December 2, 2011 (started on January 12, 2012, completed on December 29, 2012); Logbook of crimes committed No. 743 of December 30, 2011 (started on January 16, 2012, completed on December 24, 2012).

Every day, officers of the guard service and duty shifts going on patrol attend instructive classes on the procedure of the use of physical force and special means. The staff of the establishment and employees of the Personnel Department are trained on a quarterly basis in the frame of the service training with subsequent taking exams to prove their knowledge of Articles 28, 29, 30 and 31 of the said law.

In accordance with Service dogs are used in PFRSI IK No. 1 in Yagul only when a large number of sentenced prisoners are escorted. the Law of the Russian Federation No. 5473-1 of July 21, 1993 "On Institutions and Bodies Executing Criminal Punishment in the Form of Deprivation of Freedom". A dog has no direct contact with inmates. A dog is not used in the performance of normal duties.

The dynamics of the facts of use of physical force and special means throughout the years 2010, 2011, 2012 and the current year 2013 proves that their number is steadily declining.

The use of physical force in SIZO-1 in UFA is only allowed in respect of a suspect or accused person to stop the offense being committed by him/her or overcome his/her resistance to the lawful demands of the staff of the places of detention if non-violent methods do not ensure cessation of the offense or compliance with lawful demands.

In the Training Center of the UFSIN of Russia for the Vladimir Region, in the frame of the classes for employees of the UIS establishments who have been newly accepted for service and undergo initial training, and those who undergo further professional training, the classes for service training of the staff conducted in detention facilities (PFRSI) and correctional establishments (including the T-2 in Vladimir), the instruction of the officers of duty shifts going on patrol and operational groups in correctional facilities and SIZOs, as well as in other necessary circumstances, the legal grounds and procedure of the use of physical force and special means to suspects, accused persons and sentenced prisoners are communicated to UIS employees on a mandatory basis. In this case, special attention in their training is paid to practical skills of the use of physical force and special means and practice of recording the procedure of the use thereof (video recording, drawing up the documents on the use, etc.).

During the training classes and instruction briefings, all employees of the UFSIN establishments are warned about the criminal liability for unlawful use of physical force and special means in respect of suspects, accused persons and sentenced prisoners.

In T-2 in Vladimir, prisoners sentenced to life imprisonment (prone to attacks) are taken out of the cell accompanied by a dog handler with a service dog (the function of this dog is not to guard the prisoner, but to prevent the attack of the life-term prisoner against the staff of the prison escorting him outside the cell).

If a person with bodily injuries has been delivered to an establishment of the FSIN of Russia, then, upon the initiative of the duty assistant to the head of the establishment (operational duty officer) or upon the application of the person suffering from bodily injuries, as well as if bodily injuries are detected during the examination, the medical professional (physician, feldsher) shall execute an act in optional form. The said act shall be executed in two counterparts, one of which it to be attached to the medical record of the out-patient, and the other one shall be given to the suspect, accused person or convict against his/her personal signature on the first copy of the act.

The report on the fact of examination is submitted to the head of the establishment and the Prosecutor in charge of supervision of the establishment. The attachment of the act to the medical record of the out-patient shall be noted in the list of exact diagnosis on a mandatory basis.

Within the period of at least three days after the arrival to the detention facility, all newly arrived detainees, except for those who are in transit, are thoroughly examined by a doctor (or by a feldsher in feldsher health units), as well as take a photofluorographic examination.

While examining a patient, the doctor asks about his/her complaints, studies his/her medical background and life history, carries out external examination in order to detect bodily injuries, newly made tattoos, other distinguishing marks, carries out comprehensive objective examination using generally accepted methods of examination, palpation, percussion and auscultation, and appoints additional methods of examination, if necessary.

All information obtained during the examination is duly recorded in the outpatient's card.

Pursuant to the CPT's recommendations and in accordance with the judgments of the European Court of Human Rights, relevant instructions for all employees of the penal system were sent to territorial bodies of the FSIN of Russia: No. 10/1-538 of February 21, 2008, No. 10/1-3954 of November 27, 2008, No. 13-9947-01 of May 27, 2011, No. 13-20654-04 of November 1, 2011, No. 13-3367-01 of February 27, 2012, No. 13-7859-01 of April 25, 2012, No. 13-13087-01 of July 5, 2012, No. 01-6064 of March 4, 2013.

**Clause No. 73 of the CPT Report:**

Members of the staff of SIZO-1 in Ufa never openly carry the special means PR-73 (rubber truncheon). Members of the staff of SIZO-1 in Ufa carry the special means PR-73 in special cases hiding their appearance in accordance with the instructions of the FSIN of Russia No. 18/6/621t of November 25, 2002 and No. 18/5/4-145 of February 6, 2002 sent to all territorial agencies.

**Clause No. 74 of the CPT Report:**

In accordance with instructions of the FSIN of Russia No. 5-18956-01t of October 1, 2012, No. 5-16069-08 of August 16, 2012, No. 10/1-4370t of December 18, 2010, the duty shifts of correctional establishments, detention facilities and prisons shall be equipped with means of audiovisual survey, including portable ones.

The installed means of video surveillance exclude the opportunity to watch sentenced prisoners when they use the toilet, these means do not disturb the conditions of privacy. Video surveillance cameras are installed, first and foremost, at places where sentenced prisoners are likely to escape or commit offences or crimes.

In accordance with the Orders of the Ministry of Justice of the Russian Federation, the Instruction "On the activities of the services of technical means of supervision in correctional establishments and detention facilities of the UFSIN of Russia for the Udmurt Republic" approved by the Order of the UFSIN of Russia for the Udmurt Republic No. 113 of February 18, 2011, and the Order of the Head of the establishment No. 331 of August 5, 2011 "On the procedure of the use of small portable video event data recorders in FKU IK-1", video event data recorders are switched on in the event of direct contact with sentenced prisoners, as well as during mass events and rounds of the units. All locked premises are equipped with stationary video surveillance cameras making round the clock video recording (in-cell toilet areas being outside the scope of the cameras). Officers of the duty shift have no access to the control of these video surveillance cameras. The information recorded is stored within 30 days.

For the purpose of objective decision-making in a given situation and prevention of ambiguous interpretations, the officers of duty shifts are provided with portable video event data recorders. The means of video surveillance are used on a compulsory basis to record the actions of employees and suspects, accused persons and sentenced prisoners in the event of the use of physical force and special means to form additional evidential base of the legality of employees' actions.

**Clause No. 75 of the CPT Report:**

In accordance with the following Instructions of the FSIN of Russia sent to all territorial agencies: No. 10/1-538 of February 21, 2008, No. 10/1-3954 of November 27, 2008, No. 13-9947-01 of May 27, 2011, No. 13-20654-04 of November 1, 2011, No. 13-3367-01 of February 27, 2012, No. 13-7859-01 of April 25, 2012, No. 13-13087-01 of July 05, 2012, No. 01-6064 of March 4, 2013, it is necessary to register each fact of the use of physical force and special means (except for handcuffs) in respect of suspects, accused persons and sentenced prisoners in the logbook for the registration of information on incidents at the place of the use thereof, in accordance with the requirements of the Order of the Ministry of Justice of Russia No. 250 of July 11, 2006 "On Approval of the Instruction Regarding Acceptance, Registration and Verification in Institutions and Agencies of Penal System of Reports on Crimes and Incidents". Each fact of the use of physical force and specified special means shall give rise to official investigations; within three days after the heads of establishments have carried out the investigation, the copies of materials shall be sent to the Prosecutor's Office, which oversees the enforcement of laws in places of deprivation of liberty and administrations of detention facilities; the Prosecutor's Office is to assess the legality of the actions of the employees who have used physical force and special means; the materials shall be stored in a separate nomenclature file; if the actions of UIS employees, who used physical force and special means or the actions of persons in respect of whom they were applied contain essential elements of the offence, the said materials shall be sent to investigative agencies in accordance with the requirements of the Code of Criminal Procedure of the Russian Federation for the procedure decision to be taken.

Besides, in accordance with the Instruction of the FSIN of Russia No. 5-16069-08 of August 16, 2012, each case of the use of physical force and special means in respect of sentenced prisoners, as well as each case of violence from the part of sentenced prisoners against the staff of UIS establishments shall give rise to thorough checks carried out by a commission of the territorial agency of the FSIN of Russia.

**Clause No. 76 of the CPT Report:**

The practice of relationships of the staff of the penal system establishments with persons in custody is determined by regulatory legal acts governing the activities of detention facilities, the instructions on the organization of service, as well as by official duties and job descriptions of the staff.

At present, penitentiary psychologists in all territorial agencies of the FSIN of Russia use in their practice the guidance manual entitled "Formation and development of trust in the relationships between UIS staff and sentenced prisoners".

In November 2012, all territorial agencies of the FSIN of Russia received the best practice digest entitled "Psychological support of personnel in the penal system", which represents various programmes to improve the efficiency of managerial activities of the UIS staff and to prevent destructive behaviour of the staff.

In the frame of professional training, retraining, further professional training, and service training, the staff of the UIS study the rules of treatment of sentenced prisoners. Special attention is paid to the study of international laws in the sphere of criminal punishment execution. The curriculum includes the issues of compliance with provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms, against Torture and other Cruel, Inhuman or Degrading Treatment and Punishment, the Minimum Standard Rules of Treatment of Prisoners, the European Prison Rules.

In accordance with the Order of the FSIN of Russia No. 169 of August 27, 2012 “On approval of the Instruction on Professional Training of the Staff of Penal System”, the employees who have been newly accepted for service in UIS do the course of professional training, without which they cannot be allowed to independently perform their official duties.

The study of international law and standards governing the treatment of sentenced prisoners under the programmes of initial training is carried out in the frame of the theme: “International Obligations of the Russian Federation in the Field of Protection of Human Rights” in the amount of 4 hours.

Close attention is also paid to the development of interpersonal communication skills of employees for them to be able to prevent and resolve conflicts without the use of force and special means.

In the frame of the subject “Professional Psychology and Ethics of an Employee of the Penal System” trainees study such themes as: “Special features of professional activity of an employee of UIS and requirements to his/her moral and aesthetic culture”, “Social and psychological phenomena and integration thereof in the activities of an employee of the UIS”, “Psychological features of various categories of sentenced prisoners, suspects and accused persons”, “Conflicts among sentenced prisoners and the means to solve them”, in the total amount from 14 to 22 hours.

In order to improve the training of the staff of psychological services and specialists engaged in the work with persons sentenced to imprisonment in UIS establishments, every year, since 2000, professional retraining of the UIS practical psychologists has been carried out on the base of the Vologda Institute of Law and Economy of the FSIN of Russia,

While specialists in social work with sentenced prisoners serving their sentences in correctional establishments have been retrained on the base of the Higher Attestation Commission (VAK) of the Academy of the FSIN of Russia. In order to improve the quality of selection of employees for service in the UIS, the Academy of the FSIN of Russia and the Vologda Institute of Law and Economy have been training specialists in polygraph testing since 2012 in the frame of the programmes of professional retraining.

Employees engaged in personnel affairs and educational work have annual training in the frame of further professional development programmes.

The programmes include the issues of the rules of employees’ service conduct set forth in the Code of Ethics and Service Conduct of Employees and Federal State Civil Servants of the Penal System approved by the order of the FSIN of Russia No. 5 of January 11, 2012.

These programmes are intended for the training of Deputy Heads of FSIN Main Directorates, FSIN Directorates, FSIN Departments, Deputy Heads of Correctional Colonies (IK), Juvenile Correctional Colonies (VK), SIZOs and Ts, secretaries of commissions for compliance with requirements to service conduct of UIS employees and settlement of conflicts of interest, as well as employees and psychologists of units for the work with staff, psychologists of security units and special purpose units.

The issues of compliance with the provisions of Conventions, the Minimum Standard Rules of Treatment of Prisoners, the European Prison Rules and judgments of the European Court of Human Rights are studied with UIS employees in the frame of service training.

The course of lectures and practical studies on the discipline “Operational and Search Psychology” is currently introduced into the curricula of UIS educational institutions; in the frame on this course trainees learn main psychological theories and methodology of relationship between future operational staff of correctional institutions and sentenced prisoners.

**Clause No. 77 of the CPT Report:**

In order to prevent such occurrences, awareness-raising work is conducted among the staff, including the communication of requirements of the Order of the FSIN of Russia No. 5 of January 11, 2012 “On Approval of the Code of Ethics and Service Conduct of Employees and Federal State Civil Servants of the Penal System”.

At the same time, Article 111 of the Penal Execution Code of the Russian Federation, regulating creation and functioning of self-regulated organizations of sentenced prisoners was repealed in 2009.

The alleged ill-treatment from the part of the so-called "activist" prisoners<sup>1</sup> in respect of sentenced prisoners in IK-1 in Yagul is not allowed. The information on the facts of battery, as well as the threats of physical violence or sexual abuse in respect of sentenced prisoners, suspects and accused persons kept in IK-1 in Yagul from the part of other sentenced prisoners, including so called “activists”, for non-compliance with the Internal Rules of Conduct has not been confirmed. No complaints and appeals have been received on this issue; due to this fact no official investigation was conducted.

During the visit to the prison T-2 in Vladimir, the members of the CPT delegation failed to detect any documentary evidence giving them reasons to argue that in this establishment the following is observed: ill-treatment of prisoners by fellow inmates (at the instigation of the prison staff); the so-called “press-khatas”, the threats of operational officers to place there these or that inmates and keep them with inmates belonging (according to the CPT’s Report) to the so-called "roosters". These allegations were made by the members of the CPT delegation on the base of the statements of prisoners who refuse (according to their own beliefs) to comply with the procedure of the service of criminal punishment in the form of imprisonment established by the Russian legislation.

**Clause No. 78 of the CPT Report:**

Pursuant to Article 13 of the Penal Execution Code of the RF and Chapter XXV of the Order of the Ministry of Justice of Russia No. 205 of November 3, 2005 “On Approval of the Internal Rules of Conduct of Correctional Establishments”, upon incurrence of threats to the personal security of a convict from other prisoners or other persons, he/she is entitled to address on this issue with an oral or written statement to any official of the correctional establishment, which is obliged to take urgent measures to ensure personal security for the convict who has appealed to them.

In response to such an appeal or at his own initiative, the Head of IK-1 in Yagul, takes a decision to transfer the inmate to a secure place or take other measures, which eliminate the threat to personal security of the convict. Besides other premises, disciplinary cells (SHIZO), cell-type premises (PKT) and single space cell-type facilities (EPKT) can be used for these purposes.

The transfer of such a person to a safe place is carried out according to the Decision of the Head of the correctional institution for the period not exceeding 90 days; in cases of emergency this decision is to be taken by the operational duty officer before the arrival of the Head of the correctional institution, but not more than for 24 hours. At weekends and on public holidays, the operational duty officer may extend the period of stay in a safe place for additional 24 hours.

For the above-mentioned reasons, the transfer of a convict to a safe place, including the cells of SHIZO, cell-type premises and EPKT, is not a punishment.

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<sup>1</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 sections "self-regulated organizations of sentenced prisoners", which were formally abolished in December 2009.

If administration staff of IK-1 in Yagul receives information on the facts of conflict situations between sentenced prisoners, suspects and accused persons due to personal animosity or other reasons, measures are taken to prevent committing crimes and other offenses by sentenced prisoners, suspects and accused persons, as well as in respect of them. The above-mentioned persons are isolated from each other by means of their transfer to different living facilities or, if the sentenced prisoners are in locked premises (SHIZO, cell-type premises of IK-1 in Yagul), the sentenced prisoners are transferred to separated cells. If sentenced prisoners, suspects and accused persons commit unlawful actions against other sentenced prisoners, suspects and accused persons, this fact is duly registered and materials collected are sent to territorial agencies of the MOI of the RF for the Udmurt Republic, territorial agencies of the Investigative Committee of the Investigative Directorate of the RF for the Udmurt Republic or to the court of appropriate jurisdiction for making juridical assessment and taking procedural decision.

During its work in T-2 in Vladimir and SIZO-4 in Moscow, the CPT delegation did not detect any evidence that the staff of the establishment had ignored lawful complaints of suspects, accused persons and sentenced prisoners of the impossibility to stay in the same cell. The placement and further stay in one cell of a PFRSI and prison of suspects, accused persons and sentenced prisoners is performed in accordance with the regulations on separate accommodation of persons in custody available in the national legislation: Article 33 of Federal Law No. 103-FZ of July 15, 1995 "On detention in custody of suspects and individuals charged with criminal offenses"

#### **Clause No. 79 of the CPT Report:**

The FSIN of Russia constantly makes efforts to separate various categories of persons detained in custody taking into account their criminal "infestation", psychological and personal features.

It has ensured separate accommodation of persons who have, probably, incidentally made a false step and got into the places of deprivation of liberty for the first time, from those who knowingly commit criminal acts. Thus, in detention facilities persons brought to the criminal liability for the first time and persons who have already serviced their sentences in places of deprivation of liberty are placed not only in different cells, but also, if possible, are placed not only in different cells, but also, if possible, on separate floors, at separate block posts and in separate blocks. Such practice is used in respect of sentenced prisoners when a correctional establishment for the service of punishment is being chosen: persons sentenced to imprisonment for the first time serve their sentences separately of persons who have already serviced their sentences in correctional colonies.

In accordance with the Concept of the development of penal system of the Russian Federation up to 2020, new-type correctional establishments ensure the distribution of inmates in cells according to their criminological authentication. Nowadays, in accordance with Article 80 of the Penal Execution Code of the Russian Federation, separate accommodation of sentenced prisoners depending on gender, the gravity of the crime committed, the court rate, is ensured in establishments and agencies of the FSIN of Russia.

When officers of UIS operational units detect relevant violations of laws, they take appropriate measures to exclude the cases of violence between various categories of sentenced prisoners.

We think it reasonable to eradicate non-formal subculture in correctional establishments by means of intensifying and improving the efficiency of educational work with sentenced prisoners.

No facts of the use by officers of IK-1 in Yagul of punitive actions against prisoners by other inmates, entering into a conspiracy with them, the use of violence and intimidation have been revealed.

If administrative staff of IK-1 in Yagul receive information on bodily injuries of sentenced prisoners, suspects and accused persons, this fact is duly registered. Based on the prisoner's explanation, in which he/she specifies what have caused his bodily injuries, the decision is made on sending the materials of the investigation to territorial agencies of the Ministry of Interior of the Russian Federation for the Udmurt Republic, or to territorial agencies of the Investigative Committee of the Investigative Directorate of the RF for the Udmurt Republic or to the court for making juridical assessment and taking procedural decision. If there is no response to the materials sent, repeated inquiries are sent once a quarter to the agencies where the material was sent to in accordance with the request to send a procedural document to the address of the establishment.

The Code of Criminal Procedure of the Russian Federation. The awareness-raising work is constantly carried out among UFSIN employees to prevent them from using in their interests the non-official hierarchy of convicts and prisoners.

The awareness-raising work is carried out (by officers of educational, operational and security services and psychologists) in T-2 in Vladimir to eradicate inter-prisoner violence. In the frame of everyday service activities they take measures to prevent some prisoners from being placed in a situation when other prisoners are able to cause them harm. The facts of bodily injuries of suspects, accused persons and sentenced prisoners give rise to actions provided in paragraph 28 of the Order of the Ministry of Health and Social Development of Russia and the Ministry of Justice of Russia No. 640/190 of October 17, 2005. In the frame of service training and other activities it is made clear for the staff of the prison (including PFRSI) that officers allowing for or encouraging punitive action against prisoners by other inmates, "On the Procedure for Organisation of Medical Aid to Persons Serving their Sentences in Places of Deprivation of Liberty and Detained in Custody". or colluding with some inmates against others, or provoking inter-prisoner violence or intimidation, will be subject to both disciplinary and criminal prosecution.

#### **Clause No. 80, 84 of the CPT Report:**

The penal system comprises 224 detention facility (apart from SIZOs subordinate directly to the FSIN of Russia), 7 prisons and 165 facilities operating in the regime of detention facilities, which, as of January 1, 2013, were holding 114,200 people with the occupancy limit of 134,900 places, or 84,7% of the official capacity. The increase in the number of suspects, accused persons and sentenced prisoners kept in prison-type facilities, in comparison with the similar period of the previous year, is 1,300 people, or 1.1%. Including:

detention facilities were holding 108,000 people with the occupancy limit of 119,500 places, or 90.4% of the official capacity. The number of people held in SIZOs grew insignificantly in comparison with the previous year; this growth amounted to 992 people or 0.93%;

Facilities operating as SIZO were holding 5,300 people with the occupancy limit of 12,300 places, or 42.9% of the official capacity. The number of people held in PFRSI increased by 509 people or by 10.7% in comparison with the previous year, that indicates a more effective use of the said facilities in order to reload detention facilities;

1,000 people were kept in prisons with the occupancy limit of 3,200 places, or 30.3% of the official capacity. The reduction of the number of people held in prisons in comparison with the previous year amounted to 204 people or 17.4%.



In the first six months of the year 2012, detention facilities maintained the positive trend of the reduction in the number of persons detained in custody, that had been achieved before thanks to the changes in judicial practice of choosing a preventive measure caused by wider application of non-custodial measures. However, starting from October 2012, there was an insignificant increase in the number of people in custody. This growth is caused by the increase in the number of suspects and accused persons registered in investigative agencies by 7.7% or 2,400 people in comparison with the similar period of the previous year. As of January 1, 2013, detention facilities of the FSIN of Russia were holding 34,100 people of this category (31,700 people as of January 1, 2012).

At the same time, in comparison with the year 2011, the decrease in the number of people in respect of whom the courts have chosen a preventive measure in the form of detention in custody and who have been accepted to detention facilities, still continues. Thus, throughout 2012, 258,100 people arrived in SIZOs, which is by 13,100 people or by 4.8% less than in 2011 (271,200 people).

There is a decrease in the number of people charged with committing crimes of small and medium gravity. In comparison with the previous year, it reduced by 3,700 people or by 3.6%. However, the share of the said category of people in 2012 was 38.4% of the total number of newly arrested (37.9% in 2011).

The number of newly arrived juveniles and women in detention facilities continued to decline as well (by 16.4% and 6%, accordingly), including those detained for crimes of small and medium gravity (by 7% and 4.8%).

In 2012, the work went on to create appropriate conditions of accommodation for persons in custody, bring them in compliance with requirements of laws of the Russian Federation and international regulations, Pursuant to the Instruction of the Director of the FSIN of Russia dated June 6, 2012, permanent control has been established over the implementation by territorial agencies of the FSIN of Russia of the measures to eliminate violations specified in the pilot judgment of the European Court of Human Rights on complaints of *Ananyev and Others vs. Russia*.

Ensure rights and legitimate interests of Territorial agencies of the FSIN of Russia take measures to unload detention facilities. suspects, accused persons and sentenced prisoners. The administrations of facilities has established interaction with courts in respect of timely reception of court judgments pertaining to sending sentenced prisoners for further serving their sentences, their release from custody, extension of detention periods. Prosecution agencies are notified of long periods of detention of suspects and accused persons; courts are also notified of the number of persons detained in remand with excessive periods of consideration of criminal cases in the courts of first and second instances. Regular analysis of the number of suspects and accused persons in detention facilities is carried out; its results give rise to regular redistribution of districts referred to the establishments.

In order to improve conditions of accommodation for persons detained in custody the implementation of the Federal Target Programme "Development of the Penal System (2007-2016)" was underway; in the frame of this Programme in 2012, there were created 1650 additional places for accommodation of suspects, accused persons and sentenced prisoners, including one detention facility in the Moscow Region (SIZO-11 for 640 places), secure blocks in SIZO-4 of the UFSIN of Russia for the Khabarovsk Krai (for 800 places) and SIZO-1 of the UFSIN of Russia for the Zabaikalsky Krai (for 210 places).

The Ministry of Justice has prepared and submitted for approval the relevant draft Order "On Amending the Order of the Ministry of Justice of the Russian Federation No. 257 of October 8, 2010 "On establishment and liquidation of detention facilities of the penal system and approval of the list of detention facilities and prisons of the penal system".

As of June 2, 2012, IK-1 in Yagul has the occupancy limit/accommodated at present:

- in the living zone the limit is 1248 people / accommodated 1152 people;
- in the penal settlement 25 people / 24;
- in PFRSI 125 people / 105.

According to Part 1 of Article 99 of the Penal Execution Code of the Russian Federation, as amended on January 9, 2006, the living space per one prisoner sentenced to imprisonment in correctional colonies may not be less than 2 m<sup>2</sup>, which is observed in FKU IK-1 of the UFSIN of Russia for the Udmurt Republic.

Taking into account that the occupancy limit in the living zone has not been exhausted, while a certain number of sentenced prisoners are away for long visits, in the isolation quarantine unit, in the in-patient facility of the medical unit, in SHIZO and PKT, the occupancy level of dormitories may be within 3-4 m<sup>2</sup> of living space per one convict. Taking into account that this figure is considered in the context of an extensive liberty of movement of sentenced prisoners from morning till evening within a fairly large part of the correctional colony, including the hostel and yard, and also taking into account that in the hostels there is natural lighting and fresh air inflow, the size of area per one convict is compensated in aggregate.

All 4 three-storey hostels are built from a standard design. It seems impossible to transform the large capacity dormitories into smaller ones due to the fact that:

- in the course of reconstruction, the total living space of dormitories will be reduced;
- in some dormitory blocks there will be no access to natural lighting and fresh air inflow.

The prisoners are allowed to take a shower. Rule 19.4 of the European Prison Rules was taken into account.

At present, there is quite a favourable situation with the accommodation of suspects and accused persons in PFRSI in IK-1 of Yagul. Thus, with 125 sleeping places, the average number of the special contingent accommodated in this PFRSI amounted to 78 people in 2012; in the elapsed period of 2013 it amounted to 63 people; the sanitary area standard per one suspect or accused person meets the requirements of Article 23 of Federal Law No. 103-FZ of July , 15 1995 “On detention in custody of suspects

and individuals charged with criminal offenses” The secure block No. 3 of SIZO-1 in Kazan has been newly built from the standard design and commissioned in 2006; it is intended for accommodation of and is 4 sq. m.112 people.

In accordance with the requirements of the Order of the Ministry of Justice of Russia No. 279 of September 4, 2006 “Instruction on Equipping Facilities of Penal System with Security and Supervision Equipment”, the Order of the Ministry of Justice No. 407 of July 27, 2007 “On Approval of the Catalogue “Special (Secure) Items for Equipment of Detention Facilities, Prisons and Correctional and Specialised Establishments of the FSIN of Russia) and pursuant to the Guidelines of the FSIN of Russia (No. Sh-25/2-10C of June 4, 2011), Main Directorate of the FSIN of Russia for the Republic of Bashkortostan (No. 3/TO/5 – 196 of May 28, 2011 and No. 3/TO/5 – 271 of July 8, 2011) regarding the facts of taking and keeping of female staff as hostages in correctional establishments of Russia, in order to ensure personal safety of the said staff, corridors, offices, procedure and bandaging rooms of medical units of correctional establishments have been equipped with blocking metal lattice doors. In order to prevent taking of hostages and ensure personal safety of the medical staff of SIZO-1 in Ufa, as well as in pursuance of the Instruction of the FSIN of Russia “On Strengthening the Efforts to Protect the Life and Health the Staff” No. 11/1-4894t of November 17, 2009, In SIZO-1 in Ufa medical surgeries have been equipped with blocking bars, which do not hinder the provision of full medical care to special contingent of prisoners taken out of cells to attend medical specialists.

At present, it is impossible to remove exercise yards from the roofs of secure blocks in SIZO-1 in Ufa due to the lack of required area in the territory of the establishment.

The FSIN of Russia has approved the construction of a new SIZO in the Iglinsky District of the Republic of Bashkortostan.

In accordance with the Regulation of the Government of the Russian Federation No. 135 of February 18, 2013 “On Amending the Federal Target Programme “Development of Penal System (2007-2016)” and in order to create additional places and conditions for accommodation of special contingent complying with minimum international standards, funds are to be allocated from the federal budget to build a new detention facility for 500 places. The design and construction of the detention facility is planned for 2013-2016. The construction and in the Iglinsky District of the Republic of Bashkortostan commissioning thereof will significantly reduce the excess of the limit in detention facilities of the Main Directorate of the FSIN of Russia for the Republic of Bashkortostan. The territory for the new construction with the area of 17.4 ha in the Iglinsky District of the Republic of Bashkortostan has been allocated and duly registered.

In comparison with the period of the previous visit of the CPT delegation in September 1999, there has been a dramatic decrease in the number of persons accommodated in the UIS establishments in Saint Petersburg and the Leningrad Region, including SIZO-1 in Saint Petersburg from 11,000 up to 1,800 people, which has significantly improved the detention conditions and living needs of the said persons.

There are four “blocks” in T-2 in Vladimir; actually, these are four secure buildings. All secure buildings (referred to as blocks in the CPT Report) are located very close to each other and connected with closed-type land crossings. “Block 4” specified in the CPT Report is actually the fourth secure building. The cells of the premises that operate in the regime of a detention facility (PFRSI) in T-2 in Vladimir occupy the fourth secure building (fully) and the third secure building (partially). This is not prohibited by Russian laws, since this situation complies with the requirement of Article 33 of Federal Law No. 103-FZ of July 15, 1995 “On detention in custody of suspects and individuals charged with criminal offenses”: one cell does not accommodate persons suspected in and accused of committing crimes and sentenced prisoners sentenced to imprisonment.

The law does not prohibit to place PFRSI cells holding suspects and accused persons and cells accommodating persons sentenced to deprivation of liberty in the same secure building (“block”) of the prison. In the third secure block the cells holding suspects and accused persons are located in the part of the building which is situated opposite the part with the cells holding sentenced prisoners; these parts of the building are separated with a door. Thus, both categories of inmates have no opportunity to come in contact, hence, their isolation from each other provided by law is observed and they do not influence each other.

**Clause No. 81 of the CPT Report:**

All sanitary facilities in SIZO-3 of the FSIN of Russia are separated from the living part of the cell with a partition 1.40 m high with lockable doors. The location of sanitary facilities ensures sufficient degree of isolation when being used and give the opportunity to use toilet facility when necessary in the conditions of privacy.

If partitions of sanitary facilities are built ceiling-high, they will close the inflow natural light into the cell, which will result in the violation of the rights of suspects and accused persons. Complete isolation of sanitary facilities will be provided during the scheduled reconstruction of the building.

Article 32 of Federal Law No. 103-FZ of July 15, 1995 “On detention in custody of suspects and individuals charged with criminal offenses” provides for holding suspects and accused persons in multi-occupancy or single-occupancy cells in accordance with requirements of separate accommodation.

The accommodation of suspects and accused persons in single-occupancy cells for the period of more than one day is allowed on the grounds of a substantiated decision of the head of the place of detention authorised by the Prosecutor. Otherwise, holding suspects, accused persons and sentenced prisoners in single-occupancy cells will result in gross violation of their rights and legitimate interests.

**Clause No. 82 of the CPT Report:**

In 2012, the UFSIN of Russia for the Republic of Tatarstan spent on construction and repair works in correctional colonies and detention facilities RUR22,615,000 from the federal budget and RUR3,661,000 from the republican budget.

Secure Block 8 in SIZO-4 in Moscow was designed in accordance with applicable sanitary and epidemiological standards and rules, including:

- Sanitary Regulations and Standards (hereinafter referred to as SanPiN) 2.2.1\2.1.1.1278-03 “Hygienic Requirements for Natural, Artificial and Mixed Lighting of Residential and Public Buildings”;

- SP 15-01 “Standards for Designing Detention Facilities and Prisons of the Ministry of Justice of Russia”, Moscow 2001, MINISTRY OF JUSTICE GUIN.

Cells for prisoners are premises with living capacity from 3 to 8 people and 4 sq. m of living space per inmate. The cells are provided with general lighting: natural (side light) and artificial (upper light, light fittings with fluorescent lamps).

When the building was commissioned, the Laboratory of the Federal Government Health Care Institution (hereinafter referred to as FKUZ) “Main Hygiene and Epidemiology Center” of the FSIN of Russia carried out the study of the natural and artificial lighting.

According to the protocols submitted, the results of the research complied with the requirements of SanPiN 2.2.1\2.1.1.1278-03, which was shown in the Expert Opinion of December 22, 2008 and Sanitary and Epidemiology Conclusion No. 77.50.01.000.M.00007.12.08 of December 26, 2008 (Daylight Factor - at least 0.5; artificial lighting - at least 100 lx for fluorescent lamps). The mandatory requirement to the construction of window apertures is to ensure insolation at least 3 hours a day.

Regulatory documents do not provide for a special construction of windows ensuring the possibility to look outside from cells.

**Clause No. 83 of the CPT Report:**

In the PFRSI IK-1 in Yagul there are cells, the area of which do not correspond to the number of beds installed in them. The number of these beds remained from previous periods to be able to cope with dramatic increase in the number of sentenced prisoners and provide them with sleeping places. At the moment, overcrowding is not allowed in the cells of the PFRSI, prisoners are accommodated in accordance with the required standard of living place of 4 sq. m per inmate.

In accordance with the Order of the Ministry of Justice of the Russian Federation No. 257 of October 8, 2010, the occupancy limit in SIZO-1 in Kazan is 404 people.

In SIZO-1 in Kazan there are 84 cells, including 34 multi-occupancy cells and - 50 low-occupancy cells (not more than 6 sleeping places). The total number of equipped sleeping places is 430, the total living space of the cells is 1851.96 sq. m.

In order to reduce the number of persons in custody in SIZO-1 in Kazan, the Main Directorate of the FSIN for the Republic of Tatarstan issued the Instruction to re-attach the city districts of Kazan and the Districts of the Republic of Tatarstan to detention facilities of the UFSIN for the Republic of Tatarstan; due to this arrangement, the Novo-Savinovsky, Privolzhsky and Aviastroitelny Districts of Kazan were attached to SIZO-2 in Kazan.

During the visit of the CPT delegation to SIZO-4 in Moscow the actual population of suspects, accused persons and sentenced prisoners was 1720 people with the limit of 1731 people.

Secure building 4 of SIZO-4 in Moscow is intended for the accommodation of suspects and accused persons who have already served their sentences in places of deprivation of liberty. At the moment of the visit of the CPT delegation, Secure building 4 was holding 598 people, with the total living area of 1928.79 sq. m. There was 3.2 sq. m of sanitary area per inmate.

As a result of the measures implemented, the cell area per one suspect and accused person was 4.3 sq.m as at the end of 2012.

#### **Clause No. 85 of the CPT Report:**

In accordance with regulatory documents governing the activities of detention facilities of the penal system, every inmate has an opportunity to have a shower every week for at least 15 minutes.

The issue of possibility to take a shower at least twice a week in SIZO-1 in Kazan in summer has been resolved positively.

The average time of taking a shower for prisoners held in SIZO-1 in Ufa is 20-30 minutes. In order to increase the number of washings for suspects, accused persons and sentenced prisoners up to two times a week, the equipping of additional shower rooms is scheduled.

The accommodation of prisoners in SIZO-4 in Moscow complies with Federal Law No. 103 of July 15, 1995 "On detention in custody of suspects and individuals charged with criminal offenses".

Taking into account the recommendations of the CPT members, the number of washings for remand prisoners in SIZO-1 in Saint Petersburg has been increased up to two times a week.

Suspects and accused persons held in PFRSI at T-2 in Vladimir have an opportunity to take a shower at least two times a week.

#### **Clause No. 86 of the CPT Report:**

One of the main areas of activities of the FSIN of Russia in the recent years has been bringing the detention conditions of remand prisoners in compliance with the European standards of treating prisoners, including the elimination of violations specified in the judgments of the European Court of Human Rights. Due to the fact that the ECHR adopted the judgment in the case of *Ananyev and Others vs. Russia*, the FSIN of Russia has taken organizational measures and eliminated violations that did not require additional funding or amending the applicable laws of the Russian Federation.

Thus, in order to introduce the European standards of treating prisoners into the practice of SIZOs, single-occupancy boxes for temporary holding of prisoners are not used any more.

In all SIZOs cell windows are equipped with an outside main bar and a blocking bar from the inside. Metal bars of a louvre-shutter type on the windows in SIZOs have been entirely dismantled. At the same time, in all establishments the size of cell windows provide an appropriate level of natural lighting; they are also equipped with small windows to ventilate the cells.

To ensure privacy when using the toilet, in-cell sanitary facilities are equipped with partitions 1.2 m high and more, which separate them from the living space of the cells. In order to improve the detention conditions in the cells of detention facilities, in pursuance of the judgments of the European Court of Human Rights, the work has been undertaken to build partitions fully separating in-cell sanitary facilities. This work is carried out routinely. To date, 64% of cells in detention facilities have been equipped with full partitions. Until the completion of full isolation of sanitary facilities, all territorial agencies of the FSIN of Russia equipped in-cell sanitary facilities with hanging curtains.

At present, suspects, accused persons and sentenced prisoners in all detention facilities (including SIZO-1 in Kazan) are provided with individual sleeping places.

Remand prisoners have an opportunity to spend time outside the cells of detention facilities. In accordance with the provisions of the Federal Law “On detention in custody of suspects and individuals charged with criminal offenses”, suspects and accused persons are taken out of cells for participating in investigatory actions and court proceedings, meeting their defense lawyers, relatives and other people, speaking to psychologists, worship and for other purposes. In addition, there is a possibility to engage in sports activities outside of the cell.

Besides taking organizational measures to reduce the number of persons detained in custody and implementing measures to bring the conditions of detention of suspects and accused persons in compliance with the European standards, the FSIN of Russia has prepared a number of proposals to amend statutory instruments regulating the procedure of detention in custody of suspects and accused persons.

As previously mentioned, the Order of the Ministry of Justice of Russia No. 134 of April 22, 2011 brought the limits of all detention facilities in conformity with actual availability of living space for accommodation of persons in custody. The same Order effected the commissioning of 1924 additional places created in jail-type institutions in 2010, including 1869 places in the frame of implementation of the Federal Target Programme “Development of penal system (2007-2016)” and 55 places at the expense of other sources of funding. In particular, new pre-trial detention facilities have been established in the Nizhny Novgorod and Tambov Regions.

Even now amendments have been introduced into the Internal Rules of Conduct in Detention Facilities, which establish the right of suspects and accused persons to additional outdoor exercises and access to shower if they were absent in SIZO when the said activities were carried out. Taking into account that the Internal Rules of Conduct in Detention Facilities of the UIS provide for minimum standards of the number and duration of outdoor exercises and number of washings in a shower, their number and duration are increased upon the application of suspects and accused persons. Besides, the duration of washing for women and juveniles is not limited. At the same time, in pursuance of the recommendations of the European Court, there are plans to enshrine in regulatory acts the opportunity of access to a shower at least two times a week for suspects and accused persons.

In accordance with the Design standards for detention facilities and prisons of the penal system, outdoor exercise yards are to be located at secure blocks and placed at the ground floor level or on the roof of the secure block. Such location of outdoor exercise yards is explained by the fact that many detention facilities are situated within cities, surrounded with automobile roads or various buildings, which hinders their expansion.

It is necessary to underline that the penal system in the Russian Federation operates in the conditions of the reform thereof, the next stage of which is the approval by the Government of the Russian Federation of the Concept of Development of the Penal System up to 2020.

The main objectives of the Concept are:

- to improve the efficiency of the institutions and agencies enforcing punishments up to the European standards on the treatment of prisoners and the requirements of social development;
- to reduce the repetition of offences committed by persons who have completed their sentences in the form of deprivation of liberty by means of improving the efficiency of social and psychological work in places of deprivation of liberty and developing the system of after-care for such persons;
- to humanize the conditions of detention of persons in custody and persons serving the sentences in the form of deprivation of liberty, to improve the guarantees of protection of their rights and legitimate interests.

The first stage of the Concept implementation provides for the development and approval of regulatory acts. In pursuing these aims, based on the analysis of generally accepted provisions of international law, including the judgments of the European Court of Human Rights, the FSIN of Russia has prepared proposals to amend applicable legislation of the Russian Federation aimed at improvement of conditions of detention in custody of persons suspected in and accused of committing crimes.

Amendments are currently being introduced into the standards of design of detention facilities and prisons of the penal system, which, in particular, are supposed to increase the minimum rate of living space per one inmate in a disciplinary cell up to 6 sq. m.

In the tuberculosis unit of SIZO No. 1 in Ufa the flows of patients were separated and smear-positive patients were isolated from smear-negative patients; the supervised taking of anti-TB drugs was organised as well.

The available areas in SIZO-1 in UFA do not allow increasing the cell area of the TB unit and carrying out the construction of an outdoor exercise yard.

The current repair is carried out in the TB unit according to the schedule of the scheduled preventive repair. At present, the repair is over, the area for one patient in cell No. 30 has been brought in conformity with standards.

As for the provision of sanitary space per inmate in the premises for accommodation of sentenced prisoners and persons in custody, it should be noted that the result of inspections carried out by the State Sanitary and Epidemiology Service of the FSIN of Russia in accordance with the Federal Target Programme, in 2016 it is planned to build (chief public health doctors of territorial agencies of the FSIN of Russia, federal government institutions of health care, sanitary and epidemiology centers of the FSIN of Russia and their subsidiaries) a secure block for 160 places in SIZO-4 in Menzelinsk in the Republic of Tatarstan. Proved that for the past three years (from 2010 to 2012) there has been a steady trend of improvement of sanitary detention conditions for suspects and accused persons. The draft standards of design of SIZOs provide for low-occupancy cells for 2-4 places and sanitary facilities ensuring privacy. The draft standards of design of new prison-type correctional establishments provide for low-occupancy cells for 2-4-6 places depending on the type of regime and sanitary facilities ensuring privacy.

At the moment, the sanitary facility has been completely isolated only in one cell in PFRSI in IK-1 in Yagul. Brick partitions have been prepared for complete isolation of sanitary facility on two cells. The amount of funds necessary for complete isolation of sanitary facilities in the cells in PFRSI in IK-1 in Yagul has been calculated. No funds have been received for these needs. At present, this issue is being discussed.

The isolation of sanitary facilities and creation of the required level of privacy have been completed in SIZO-1 in Kazan.

All prisoners in SIZO-4 in Moscow are provided with an individual sleeping place. In accordance with the Instruction of the FSIN of Russia No. 3-2401 of December 12, 2012, works on construction and commissioning of a new secure building in SIZO-4, 7 of the UFSIN of Russia for Moscow will have been completed by 2017. Before 2015, the reconstruction of existing secure buildings in SIZO in Moscow will involve the partition of sanitary facilities from the living space in accordance with the laws and approved design standards (full isolation).

#### **Clause No. 87 of the CPT Report:**

As pointed out above, in order to develop the plan for the relocation of SIZO-1 in Ufa, a letter was sent to A.F. Ilimbetov, the Chairman of the Government of the Republic of Bashkortostan (reference number 3/TO/20-120 of June 20, 2012) regarding the allocation of a land plot at least 20 ha in area in the districts adjacent to UFA, as well as money assets in the amount of 2.2 billion rubles for the construction of new detention facilities due to the fact that the reconstruction of existing buildings and structures of SIZO-1 in UFA is inexpedient.

According to the Ordinance of the Administration of the municipal unit of Iglinsky District of the Republic of Bashkortostan No. 03-627 of March 27, 2012, the Main Directorate of the UFSIN of the RF for the Republic of Bashkortostan, a land plot has been allocated for the construction of detention facilities with a total area of 17.39 ha (Certificate of State Registration of Title No. 04 AG 687332 of April 6, 2012).

According to the measures provided for in the Federal Target Programme “Development of the penal system (2007-2016)”, the new detention facilities are planned to be completed in 2016. The construction and commissioning thereof will significantly reduce the excess of the limit in detention facilities of the Main Directorate of the FSIN of Russia for the Republic of Bashkortostan.

Besides, the issue of the possibility to establish detention facilities with the limit of filling of 2000 beds on the base of the Federal Public Institution (FKU) IK-10 under the Main Directorate of the FSIN of Russia for the Republic of Bashkortostan is being currently studied.

In the frame of the Federal Target Programme “Development of the Penal System (2007-2016)”, a secure block with 160 places is planned to be built in SIZO-4 of the Directorate of the FSIN of Russia for the Republic of Tatarstan (the town of Menzelinsk).

Currently, the issue is being considered to establish in the territory of the FKU IK-19 of the Directorate of the FSIN of Russia for the Republic of Tatarstan (Kazan) a transit point with a limit of 160 people (reference No. 17/to/13-2460 of May 16, 2012), as well as to create premises functioning in the regime of detention facilities for 214 beds on the base of the Kazan juvenile colony.

#### **Clause No. 88 of the CPT Report:**

On May 25, 2012, from 14:00 till 16:00, James McManus, a representative of the CPT, and Borys Wodz, a member of the CPT’s Secretariat, and an interpreter visited the secure buildings of the detention facility with a planned capacity of 4000 places, which is under construction in Kolpino in the Leningrad Region. They examined the double and quadruple cells, the outdoor exercise yards and the security facility.

#### **Clause No. 89 of the CPT Report:**

In accordance with the Design standards for detention facilities and prisons, outdoor exercise yards are to be located at secure blocks and placed at the ground floor level or on the roof of the secure block. Such location of outdoor exercise yards and their dimensions are explained by the fact that many detention facilities are situated within cities and are surrounded with automobile roads or various buildings, which hinders their expansion.

Amendments are currently introduced into design standards for detention facilities and prisons of the penal system, which provide for the possibility to build exercise yards at the ground floor level.

In PFRSI of IK-1 in Yagul there are 7 exercise yards. All yards are provided with sports equipment. All suspects, accused persons and sentenced prisoners held in IK-1 in Yagul are able to engage in sports activities in exercise yards for at least 1 hour. The repair list has been drawn up in the establishment in order to relocate the exercise yards in PFRSI to the ground level. A letter has been sent with the request to prepare a cost estimate for allocation of funds required to relocate the exercise yards to the ground level.

There are 12 exercise yards for outdoor exercises in SIZO-1 in Kazan with the total area of 254 sq. m situated within the secure territory at the ground level between secure buildings No. 1 and No. 5. The area of each exercise yard is at least 20.8 sq. m. There is an exercise yard for juveniles provided with sports equipment. The exercise yards are equipped with canopies along the perimeter to protect from precipitations; in all exercise yards there are benches to sit on.

All exercise yards are planned to be provided with sports equipment in 2013.

At present, it is impossible to remove exercise yards from the roofs of secure blocks in SIZO-1 in Ufa due to the lack of required area in the territory of the establishment. The FSIN of Russia has approved the construction of a new SIZO in the Iglinsky District of the Republic of Bashkortostan.



There are no exercise yards situated on the roofs of buildings in the establishments of the UFSIN of Russia for Saint Petersburg and the Leningrad Region. There are 84 exercise yards in SIZO-1 in Saint Petersburg, the area of each of them is not less than 24 sq. m.

All exercise yards are equipped with benches and litter-boxes. The roof of an exercise yard is made of metal lattice, Rabitz type steel-wire fabric. A metal canopy to protect from rain is also provided for. There is an opportunity to do physical exercises; sports equipment is given to inmates at their wish.

### **Clause No. 90 and 91 of the CPT Report:**

During the period of detention rights and freedoms of the citizens of the Russian Federation are guaranteed to suspects and accused persons with exceptions and restrictions established by the criminal, criminal procedure and other legislation of the Russian Federation. No other restrictions or impairment of their rights and freedoms are not allowed, therefore in detention facilities all conditions are created to give suspects and accused persons the opportunity to exercise their rights and legitimate interests.

At the same time, measures are taken in respect of suspects and accused persons who are isolated from each other to let them spend considerable time outside their cells, if possible.

Suspects and accused persons take part in investigation activities and court proceedings and for this purpose they are taken out of cells to participate in investigation and procedural activities; their trips to temporary holding facilities or court buildings are organised.

For the purpose of realization of the constitutional right to defense for persons in custody they are provided with the opportunity to meet their lawyers. In accordance with article 18 of Federal Law No. 103-FZ of June 15, 1995 "On detention in custody of suspects and individuals charged with criminal offenses", the number and duration of their meetings with lawyers and defenders are not limited, these meetings are organized in private in specially equipped rooms.

Persons in custody also have the right to short meetings with relatives and other people subject to availability of an appropriate permission from the person or the body in charge of the criminal case proceedings. Meetings take place in specially equipped premises outside secure blocks.

In accordance with article 17 of Federal Law No. 103-FZ of June 15, 1995 "On detention in custody of suspects and individuals charged with criminal offenses" suspects and accused persons have the right to outdoor exercises in the open air for at least 1 hour. Exercise yards are equipped with sports grounds. (for juveniles the duration of outdoor exercises shall be at least two hours). They are equipped with ping pong tables, with horizontal bars and basketball hoops.

During the outdoor exercises inmates are provided with sports equipment (balls, tennis rackets, etc.). Accordingly, suspects and accused persons have the opportunity to do physical exercises in the open air for 1 hour.

Suspects and accused persons detained in SIZOs have the opportunity to worship in premises specially equipped for these purposes.

Besides, remand prisoners are taken out of cells to have a shower and carry out sanitary treatment of their clothes and bed cloths.

Suspects and accused persons in custody are provided with the opportunity to work if available. For this purpose, production workshops are built in the territory of establishments.

For the purpose of psychological adaptation of remand prisoners they are provided with necessary psychological aid in the psychological release room. Persons held in SIZO are taken out to the medical unit to undergo medical examination and be consulted by a doctor.

The Head of the detention facility or persons authorized by him/her carry out personal reception of suspects and accused persons every day except weekends and public holidays within working hours. Personal reception is carried out by the head of the detention facility, his/her deputies or heads of units in their offices or specially equipped rooms of the detention facility.

In addition, nowadays, in accordance with the Concept of Development of the Penal System, new models of detention facilities and prisons are developed, where most convicts will have the opportunity to communicate with each other throughout the day.

The issues of contacts of suspects and accused persons with the outside world are now fairly clearly defined in Federal Law No. 103-FZ of July of July 15, 1995 "On detention in custody of suspects and individuals charged with criminal offenses", as well as by the Internal rules of conduct of detention facilities. Thus suspects and accused persons are allowed to receive and send letters and telegrams without any limitation of their number. The correspondence with the court, the Prosecutor's Office, the higher-level agency of the penal system, as well as with the Human Rights Commissioner in the Russian Federation, Human Rights Commissioners in the subject of the Russian Federation, public monitoring commission, the European Court of Human Rights, is not subject to censorship.

Based on the written permit from an official or a body in charge of the criminal case suspects and accused persons may be granted not more than two meetings with relatives or other persons in a month for up to three hours each, in specially equipped premises. When arranging meetings with relatives, the administration takes into account the reasons of preservation and strengthening of family, kinship and other social connections of suspects and accused persons detained in custody.

Moreover, based on the written permit from an official or a body in charge of the criminal case, suspects and accused persons may be granted the right to telephone calls up to 15 minutes.

Suspects and accused persons have the right to read books and periodical editions. For this purpose libraries are arranged in detention facilities, where they can get books, magazines and newspapers. It should be noted that newspapers in detention facilities of the penal system are given out from the library of the detention facility to cells as they arrive, one newspaper for ten people. Besides, suspects and accused persons have the right to read books and periodical editions (magazines, newspapers) bought with the assistance of the administration of the place of detention from retail chain, including by means of subscription via post offices of the Russian Federation.

The subscription to periodicals, as well as the purchase of books, magazines and newspapers from retail chain is carried out by the administration of the place of detention at the expense of the money of suspects and accused persons or their relatives.

The freedom of conscience and the freedom of worship is guaranteed to all suspects and accused persons. They have the right to exercise any religion or exercise no religion, freely choose, have and disseminate religious beliefs and act in accordance therewith. The exercise of the right to the freedom of conscience and the freedom of worship is voluntary; this must not violate the internal rules of conduct of the place of detention, as well as prejudice the rights of other people. At the request of suspects and accused persons, priests belonging to duly registered religious associations are invited. In the places of detention it is allowed to worship, use sacred objects and religious literature. For these purposes, the administration provides appropriate premises.

When clarifying the issue of the contacts of suspects and accused persons with the outside world, one should not forget about the right of suspects and accused persons to participate in civil transactions. This right is based on the acknowledgment of the fact that when suspects and accused persons are detained in custody, they are not deprived of the citizenship of the state and the legal status of citizen.

All cells in detention facilities are equipped with radios, TV sets are installed in the cell as well, if technically possible. Besides, the Federal Service of Execution of Sanctions cooperates with the media in a constructive way. Representatives of the media have access to correctional institutions. The administration of establishments does not prevent prisoners from communicating with journalists of TV and radio broadcasters in a manner prescribed by law.

At present, the Concept of development of the penal system, suggests introducing new forms of contacts of suspects and accused persons with the outside world (granting to persons in custody of a technical capability to use the wide range of telecommunication services, including video conference communication, e-mail, etc.).

The draft Federal Law “On Amending the Federal Law “On Detention in Custody of Suspects and Individuals Charged with Criminal Offenses” and Other Legislative Acts of the Russian Federation” is intended to amend the said regulatory legal acts, in particular, taking into account the judgments of the European Court of Human Rights taken on the case *Ananyev and other vs. the Russian Federation*. One of the most important amendments suggested for introduction in the Federal Law is the changes in the procedure to allow suspects and accused persons to meet their relatives: these meetings will not be subject to a special permit of a person or a body in charge of the criminal case.

The administration of SIZO-1 in Kazan has scheduled to equip day-stay cells for persons in custody, where the restrictions will be minimized and the conditions will be created to develop constructive activities contributing to the maintenance of physical and mental activity of prisoners.

In SIZO-4 in Moscow all the cells are visited on a daily basis by the administration, as well as by the medical professional to solve emerging problems; in particular, the management of the detention facility visits all cells at least once a week. In addition, the establishment is visited by the Assistant to the Head of the Directorate for Human Rights Protection in UIS of the UFSIN of Russia for Moscow, the psychologists of the establishment, officers of the Prosecutor’s Office, representatives of the Public Council under the UFSIN of Russia for Moscow and representatives of the Public Monitoring Commission of Moscow. At the prisoners’ request, the establishment is visited by representatives of the Russian Orthodox Church.

All cells are equipped with wired-radio outlets, books are given out from the library of SIZO-4 of Moscow.

In accordance with Article 26 of Federal Law No. 103-FZ of July 15, 1995 “On detention in custody of suspects and individuals charged with criminal offenses”, the administration of SIZO-4 provides additional paid services to suspects and accused persons, namely, takes them to the gym.

Communication between inmates held in separate cells is restricted by the requirements of Article 33 of Federal Law No. 103-FZ of July 15, 1995 “On detention in custody of suspects and individuals charged with criminal offenses”.

Meetings of prisoners with lawyers, investigators and other people are arranged in accordance with the Federal Law of the Russian Federation “On detention in custody of suspects and individuals charged with criminal offenses”, and after the sentence comes into force, in accordance with the Penal Execution Code of the Russian Federation. Suspects and accused persons, subject to the written permission of a person or a body in charge of the criminal case, are allowed to have not more than two meetings a month with relatives or other people with a duration up to 3 hours each.

The opportunity to have telephone conversations with relatives or other people is provided by the administration of SIZO subject to the written permission of a person or a body in charge with the criminal case or the court. The management defines their duration, taking into account the general queue and the availability of funds on the personal account. Letters and correspondence are received and sent without restrictions.

In SIZO-1 in Saint Petersburg, according to the Order of the Ministry of Justice of the Russian Federation No. 189 of October 14, 2005 “On Approval of the Internal Rules of Conduct in Detention Facilities of the Penal System of the Ministry of Justice of the Russian Federation” and Federal Law No. 103-FZ of July 15, 1995 “On detention in custody of suspects and individuals charged with criminal offenses”, all prisoners are given the opportunity to meet their relatives. Meetings with lawyers and other persons are held in full. The administration of the establishment does not prevent such meetings.

**Clause No. 92 of the CPT Report:**

In accordance with the Russian legislation, the type of regime of a corrections institution where the convict is to serve his/her sentence is assigned by the court when the sentence is awarded.

The implementation of the CPT’s recommendation is possible if appropriate amendments are introduced in the Criminal Code, the Penal Execution Code and the Code of Criminal Procedure of the Russian Federation. Such changes will necessarily entail the increase in the staff size of the management of the penal system; this will require the establishment of special structural units within the management of territorial UIS agencies responsible for determining (assigning) the type of regime of the correctional institution individually to every convict. Such decision is only possible in the event of changing the structure of correctional institution and transition to imprisonment as the main type of serving the sentence.

At the same time, the Penal Execution Code of the Russian Federation (Article 78) provides for the possibility to change the type of regime by court decision taking into account the opinion of the administration of the establishment.

**Clause No. 93 of the CPT Report:**

In 2013, the FSIN of Russia introduced into the Federal Target Programme the amendments providing for the reconstruction of T-2 in Vladimir, with the completion of works scheduled for 2016.

**Clause No. 94 of the CPT Report:**

During the reconstruction of the existing building of block No. 1 of T-2 in Vladimir sanitary area per one inmate was generally ensured with consideration of the ECHR’s recommendations regarding low-occupancy cells. At the same time, it should be taken into consideration that the building was built in the 18th century and its design features do not make it possible to increase the width of cells with the existing occupancy limit. The building of block No. 1 of T-2 in Vladimir after having been repaired was commissioned in December 2012.

The secure building No. 1 of T-2 in Vladimir will be ready for settlement after it is equipped with integrated security systems (ISS). It is currently impossible to determine the exact time when the ISS equipment will be installed (for technical reasons), nevertheless, it will be commissioned this year.

**Clause No. 95 of the CPT Report:**

The installation of additional sleeping places in some cells was caused by the need to provide all suspects, accused persons and sentenced prisoners with individual sleeping places in the event of increase in their number.

**Clause No. 96 of the CPT Report:**

11 exercise yards 12 sq. m each and one yard with the area of 24 sq. m for sports activities are located in close vicinity to block No. 1 of T-2 in Vladimir.

It is physically impossible to increase the area of the exercise yards due to the actual lack of space for their location. Due to the same reason, the exercise yards of the second and third secure blocks cannot be situated at ground level.

Regarding the exercise yards for persons held in the cells of the first secure block (the so-called "block 1"), they have always been situated (and are situated now) at ground level. During the reconstruction of this block the exercise yards were reconstructed as well. After the commissioning of the first secure block, the sentenced prisoners accommodated there will be taken out for outdoor exercises to 10 exercise yards. Besides, in accordance with the national legislation, this facility has the walls along the perimeter of each exercise yard.

**Clause No. 97 of the CPT Report:**

In accordance with Article 108 of the of Penal Execution Code of the Russian Federation, compulsory basic vocational education or vocational training (hereinafter referred to as BVE and VT) is organized only for prisoners serving their sentences in correctional facilities. In detention facilities the system of BVE and VT is not provided for. Those sentenced prisoners who serve their life sentence receive professional training directly at production facilities.

Plans of individual educational activities are currently being implemented in correctional colonies in respect of 589,000 sentenced prisoners.

Prisons provide general education for individuals sentenced to imprisonment. 232 students were registered in prisons as of the beginning of the academic year 2012-2013.

12 facilities (grounds) for sports activities are equipped in 7 prisons for sentenced prisoners.

Vocational training and general education of prisoners is carried out (and will be carried out in future) in T-2 in Vladimir. Relevant efforts are pursued for the rehabilitation of sentenced prisoners in accordance with psycho-correction programmes adopted in the UIS, which are selected for sentenced prisoners (based on individual features of every convict) by the psychologists for the psychological laboratory of the establishment.

**Clause No. 98 of the CPT Report:**

The UFSIN of Russia for the Vladimir Region is unaware of court decisions which "unlawfully restrict minimum visiting entitlement". According to Article 123 of the Penal Execution Code of the Russian Federation, sentenced prisoners serving their sentence in prisons are entitled to the following number of visits: three short-term and three long-term visits a year for prisoners serving their sentence in general conditions; four short-term and four long-term visits a year for prisoners serving their sentence under lighter regime.

No claims in respect of any violations of the procedure for granting the right to visits to sentenced prisoners were not submitted by the CPT delegation to the administration of T-2 in Vladimir, since the above-mentioned violations do not take place in this establishment.

**Clause No. 99 of the CPT Report:**

According to the Penal Execution Code of the Russian Federation, the norm of living space per one inmate is less than 2 m<sup>2</sup>.

The occupancy limit in IK-1 in Yagul is 1,248 people with the living space of 3,615.2 m<sup>2</sup>, therefore, 2.8 m<sup>2</sup> are provided to one individual.

**Clause No. 100 of the CPT Report:**

The occupancy limit in IK-1 in Yagul is currently 1,248 places, and taking into account the unit of the penal settlement (hereinafter referred to as the PS) with the capacity of 25 places and the PFRSI for 125 places, it will be 1,398 places. As of January 1, 2013, in the PFRSI there were 101 people, in the PS unit - 25 people, in the correctional colony (IK) - 1,059 strict regime prisoners. In accordance with Article 99 of the Penal Execution Code of the Russian Federation, the norm of living space per one sentenced prisoner in a correctional colony is 2 sq.m, in PFRSI - 4 sq. m.

According to the Concept of Development of the Penal System up to 2020, in 2011 IK-1 in Yagul, a standard project to turn the correctional colony into a general-type prison for 1000 people was developed. This version of a standard project solution was developed in accordance with applicable regulatory documents of the Russian Federation, including the acts of the Ministry of Justice of the Russian Federation and the Federal Service of Execution of Sanctions.

The planning concepts of the buildings provide for accommodation of sentenced prisoners in dormitories with the capacity of 2-4-6 people with the standard of living space per inmate at least 4 m<sup>2</sup> (not counting the area occupied by the toilet).

**Clause No. 101 of the CPT Report:**

In accordance with the requirements of the Order of the Ministry of Justice of Russia No. 189 of October 14, 2005 "On Approval of the Internal Rules of Conduct in Detention Facilities of the Penal System", the procedure for daily outdoor exercises of suspects and accused persons has been set forth. To stop the outdoor exercises ahead of time, suspects or accused persons appeal to the person in charge of the outdoor exercises, who is to take the decision on the merit of the request. The PFRSI registers the events when outdoor exercises were terminated ahead of time at the request of suspects, accused persons or sentenced prisoners. No coercion of prisoners to physical activities in the open air is allowed.

A horizontal bar for physical exercises is installed in each exercise yard in IK-1 in Yagul.

**Clause No. 102 of the CPT Report:**

In order to increase the number of prisoners involved in labour activities, the FSIN of Russia has approved the programme of development of income bearing activities of the federal government institutions associated with the involvement of prisoners in labour. In particular, IK-1 in Yagul supposes to attract additional sources of budget funding to the amount of at least RUR53 million, which made it possible to employ 436 sentenced prisoners.

Besides, 213 sentenced prisoners were trained at the vocational college at the colony in the elapsed period of the academic year 2012-2013 in the frame of the programmes of secondary professional education, acquiring trades required in the colony and on the labour market.

The following figures represent the number of sentenced prisoners engaged in paid works at production facilities: 348 people in 2010, 367 people in 2011, 397 people in 2012.

7 new types of products were mastered and 28 new jobs were created in 2010, which made it possible to employ 50 more people. 8 new types of products were mastered and 45 new jobs were created in 2011, which made it possible to employ 69 more people. 10 new types of products were mastered and 69 new jobs were created in 2012, which made it possible to employ 100 more people.

In the academic year 2009-2010, 175 people were trained in the vocational college, in the academic year 2010-2011 - 185 people, in the academic year 2011-2012 - 265 people. To date, 135 people have been trained, 100 people more are planned to be trained. In 2010, on-the-job training involved 58 people, in 2011 - 85 people, in 2012 - 100 people.

In 2012, the professional college started teaching new trades: brick layer, machine assembly mechanic, stove-setter, electric welder of manual welding, beekeeper. The college has been granted perpetual license for educational activity No. 1067 of April 20, 2011, the Certificate of State Accreditation No. 816 of May 18, 2011, valid till July 5, 2015.

**Clause No. 103 of the CPT Report:**

The schedules of long visits are drawn up monthly by the officers of the administration based on prisoners' written requests (irrespective of their informal hierarchy). There are 11 rooms for long visits and 8 boxes for short visits in IK-1 in Yagul. In accordance with Article 123 of the Penal Execution Code of the Russian Federation, prisoners sentenced to imprisonment and serving their sentence in general conditions can have three short and three long visits within a year; prisoners serving their sentence in lighter conditions can have four short and four long visits within a year; prisoners serving their sentence in strict conditions can have two short and one long visits within a year. According to Article 114 of the Penal Execution Code of the Russian Federation, sentenced prisoners may be granted up to four short or long visits within a year as an incentive.

There is no information on unofficial financial contributions from some sentenced prisoners held in IK-1 in Yagul in favour of other convicts, suspects and accused persons.

**Clause No. 104 of the CPT Report:**

9 pay telephones have been installed in IK-1 in Yagul in places accessible for sentenced prisoners and 2 pay telephones for video conversations. According to Article 92 of the Penal Execution Code of the Russian Federation, telephone calls are allowed on a daily basis at the request of a sentenced prisoner and are to last not more than 15 minutes.

**Clauses No. 105 and 107 of the CPT Report:**

Article 77 of the Penal Execution Code of the Russian Federation provides for the procedure and categories of sentenced prisoners who can be retained in a detention facility or prison to carry out householding works. This category of sentenced prisoners is covered by requirements of the criminal and penal law, including its provisions pertaining to involving sentenced prisoners in labour and physical exercises.

At the same time, the procedure of holding remand prisoners is regulated by Federal Law No. 103-FZ of July 15, 1995 "On detention in custody of suspects and individuals charged with criminal offenses".

In accordance with Article 17 of the said Federal Law, suspects and accused persons are entitled to a outdoor exercises for at least 1 hour (for juveniles the duration of outdoor exercises shall be at least two hours). Exercise yards are equipped with sports grounds. They are equipped with ping pong tables, with horizontal bars and basketball hoops. During the outdoor exercises inmates are provided with sports equipment (balls, tennis rackets, etc.). Accordingly, suspects and accused persons have the opportunity to do physical exercises in the open air for 1 hour.

Article 27 of the Federal Law provides for the procedure for involving suspects and accused persons in labour activities.

Besides, the provisions of Article 31 of the Federal Law set forth that conditions for self-education shall be created for juvenile suspects and accused persons, cultural and educational work is to be carried out with them.

Juvenile suspects and accused persons are allowed to buy textbooks and stationery, as well as to receive the same in parcels.

At present, the work is underway to amend the said Federal Law. The European Prison Rules Rec (2006)<sup>2</sup> established that “untried prisoners shall be offered the opportunity to work but shall not be obliged to work”. In order to bring the Federal Law into conformity with the general rules of international law, the draft law suggests establishing the responsibility of the administration of a detention facility to create conditions for involving suspects and accused persons to labour.

Besides, the European Prison Rules Rec (2006)<sup>2</sup> set forth that every prison shall seek to provide all prisoners with access to educational programmes with particular attention to be paid to the education of young prisoners. The education of prisoners shall be integrated into the nationwide educational and vocational training system of the country so that after their release they may continue their education and vocational training without difficulty, and shall take place under the auspices of external educational institutions. Each juvenile school-aged prisoner shall have access to education. Due to this fact, there is a proposal to amend the Federal Law with provisions setting forth that the administration of a detention facility, together with state or municipal executive bodies operating in the field of education, shall ensure for suspected and accused juveniles the opportunity to get education according to the programmes of primary general education, basic general education and secondary (general) education.

Taking the above mentioned into consideration, the assignment of sentenced prisoners to the crew for providing household services in a detention facility or a prison is not to the detriment of the right of remand prisoners to labour, education, outdoor exercises and sports activities.

**Clause No. 106 of the CPT Report:**

In the frame of activities carried out to implement the first stage of the Concept, the developed draft of design standards for SIZOs and prisons provides for the living space for this category of sentenced prisoners to be not less than 4 sq. m, not counting the area of the sanitary facility.

**Clause No. 108 of the CPT Report:**

The provisions of the Criminal Code of the Russian Federation set forth the possibility to award a convict the punishment providing that the first five years the sentence will be served in prison.

The provisions of Article 77.1 of the Penal Execution Code of the Russian Federation set forth the procedure for transfer or holding in a detention facility of sentenced prisoners involved in investigation activities or a trial. This provision, in particular, sets forth that sentenced prisoners of this category are held in a detention facility according to the procedure set forth in Federal Law No. 103-FZ of July 15, 1995 “On detention in custody of suspects and individuals charged with criminal offenses” and under the conditions determined by the court judgment for serving their sentence in a correctional establishment.

**Clause No. 109 of the CPT Report:**

SIZO-1 in Kazan, together with the Capital Construction Department of the UFSIN of Russia for the Republic of Tatarstan, considers the question of reconstruction of the cells 6.5 sq.m in area by means of pair-wise combining two adjacent cells.



**Clause No. 110 of the CPT Report:**

In accordance with Part 6 of Article 112 of the Penal Execution Code of the Russian Federation, life-sentenced prisoners are not involved in general education programmes. They are provided with conditions for self-education not inconsistent with the procedure and terms of serving their sentence.

Physical education of sentenced prisoners is carried out in correctional establishments of the PI; 2,505 sports grounds and gyms have been equipped.

Life-sentenced prisoners are permanently held in a locked room (cell) and, especially when they serve part of their sentence in prison, is based on the court sentence, set forth by the law (Penal Execution Code of the Russian Federation) and strictly governed by departmental regulatory acts of the Ministry of Justice of Russia and FSIN of Russia. The provision of conditions recommended by the CPT does not depend on the administration of the prison (and even on the UIS territorial agency). Their provision is only possible if relevant amendments are introduced into regulatory legal acts regulating the procedure for holding of prisoners of this category in UIS establishments.

As of March 1, 2013, in SIZO-1 in Kazan there are no prisoners sentenced to life imprisonment.

**Clause No. 111 of the CPT Report:**

T-2 in Vladimir is holding four life-sentenced prisoners. Each prisoner is registered for preventive purposes as prone to attacking officers of the administration of the establishment. In accordance with the applicable Russian legislation, the prisoners of this category are taken out of cells with the use of special means (handcuffs) and involving a dog handler with a dog. The said measures are aimed at ensuring the security of the staff.

Special means - handcuffs - are not used in SIZO-1 in Kazan to life-sentenced prisoners unless there are statutory grounds for it.

No facts of the illegal use of physical force and special means were allowed in SIZO-1 in Ufa.

The use of physical force in SIZO-1 in UFA is only allowed in respect of a suspect or accused person to stop the offense being committed by him/her or overcome his/her resistance to the lawful demands of the staff of the places of detention if non-violent methods do not ensure cessation of the offense or compliance with lawful demands.

The treatment of individuals sentenced to life imprisonment is based on the CPT's recommendations in the establishments of the UFSIN of Russia for Saint Petersburg and the Leningrad Region.

Service dogs are only used in PFRSI IK-1 in Yagul in the events when a large number of sentenced prisoners are escorted. A dog has no direct contact with inmates. A dog is not used in the performance of normal duties.

**Clause No. 112 of the CPT Report:**

The joint Order of the Ministry of Justice of the Russian Federation and the Ministry of Health and Social Development of the Russian Federation No. 640/190 of October 17, 2005 This is caused by the fact that among individuals held in the establishments of the FSIN of Russia the share of mentally unstable and aggressive people, as well as drug and “On the Procedure for Organisation of Medical Aid to Persons Serving their Sentences in Places of Deprivation of Liberty and Detained in Custody”, alcohol addicts, is considerably large. (hereinafter referred to as Order No. 640/190) provides for the presence of duty inspectors at the medical examination of suspects, accused persons and sentenced prisoners carried out both in medical institutions of the UIS and in health care institutions of other bodies. The presence of duty inspectors enables a medical practitioner to focus on his/her professional activity and not to be distracted to ensuring special measures to prevent attacks from the part of the patient, escape or other unlawful act.

At the same time, in accordance with the Instruction of the FSIN of Russia No. 13-3729-01 of March 09, 2011 regarding the performance of the CPT’s recommendations of the judgments of the European Court of Human Rights, all correctional establishments have introduced into practice of medical examination of suspects, accused persons and sentenced prisoners the use of folding screens to conceal persons examined by medical practitioners from security officers in order to ensure medical secrecy and prevent the indignity of persons held in establishments of the penal system.

It should also be noted that attacks on employees of the UIS establishments to seize hostages predominantly occur in medical units and against medical professionals during the performance of their official duties.

**Clause No. 113 of the CPT Report:**

The applicable criminal executive legislation of the Russian Federation provides for the possibility to replace a life sentence to a certain term of imprisonment, whereupon the convict is entitled to seek the change of the assigned type of the correctional establishment.

**Clause No. 114 of the CPT Report:**

In 2012, in addition to available health care units, 7 similar health care units were established in various locations of Saint-Petersburg and the Tver Region.

**Clause No. 115 of the CPT Report:**

The Budget Message of the President of the Russian Federation “On the Budget Policy in 2012-2014”, among top priorities of the budget spendings, named the reform of monetary allowance and social support of the officers of defense and law enforcement agencies beginning from 2013. The adoption of Federal Law No. 283-FZ of December 30, 2012 “About Social Guarantees to Employees of Certain Federal Executive Bodies and Amending Certain Legal Acts of the Russian Federation” solved the issue of increasing monetary allowance to employees of the penal system from January 1, 2013, including employees holding positions of medical professionals. The monetary allowance increased by 1.8 times on the average.

**Clause No. 116 of the CPT Report:**

The responsibility for providing medical aid to sentenced prisoners, suspects and accused persons is imposed in the FSIN of Russia. The objective of this area of activities of the FSIN of Russia is to provide medical aid to this category of citizens in accordance with the requirements of the laws of the Russian Federation and international legal acts ratified by the Russian Federation, the principal of which are the European Prison Rules.

The main CPT's requirement to penitentiary systems is the compatibility of public health care services and health care services of places of deprivation of liberty, both in terms of the use of equipment, drugs and personnel and in terms of the possibilities of therapy at the hospital.

There are three areas of improvement of the health care system for sentenced and remand prisoners:

1. To ensure health service support of attended citizens by efforts of the UIS at the level available in public health care system.

2. To exercise their right to health protection through receiving free medical aid in institutions of public and municipal health care systems under the programme of state guarantees of providing free medical aid to the citizens of the Russian Federation.

3. To use outsourcing of medical services.

At present, all three areas are implemented in the penal system to a greater or lesser degree. Each of them requires appropriate organizational, regulatory and financial support.

In the context of the UIS, each of them has its advantages and disadvantages.

1. In order to bring the UIS medical service in conformity with the level of public health care system, it is necessary:

- to bring the staff size, material and technical support, provision of medicines in conformity with the standards of the Ministry of Health of Russia and the procedures for provision of various kinds of medical aid;

- to ensure the independence of medical practitioners in taking professional decisions and the tangible reflection of the results of their work;

- to ensure structural mobility of the medical service of the territory, which enables prompt redeployment of resources (visits of doctors from one establishment to another for consultations);

2. The system of compulsory medical insurance (hereinafter referred to as the CMI). The new Law "On Compulsory Medical Insurance" provides for the unconditional right of sentenced prisoners to receive medical insurance policies. Territorial agencies have organized the work to cover all persons held in SIZO and correctional establishments by the CMI.

To date, virtually all territorial agencies have reported the positive solution of this issue in local insurance companies.

Thus, today every convict and suspect may receive free medical aid on an out-patient or in-patient basis in municipal (state) health care institutions in the amount provided for by the compulsory medical insurance programme.

In a number of territorial agencies, where 100% of persons held in establishments have CMI policies, it might be possible to liquidate the UIS medical service forthwith, but for the fact that the CMI does not provide for the examination of prisoners held in every cell of SIZOs, the examination at the arrival in an establishment, before placing to SHIZO, medical examination in accordance with the Regulation of the Government of the Russian Federation No. 54 of February 6, 2004 "On Medical Examination of Convicts Recommended for Release from the Service of Sentence due to a Disease". The CMI also does not provide for bringing a doctor to the patient unless he/she is a disabled person. This means that complete rejection of the health care service will entail the need to pay for regular calls of doctors to an establishment and involve medical practitioners on a permanent basis for the above-mentioned examinations and the execution of relevant documents; it will also entail a multiple increase in the workload of the security and escort services.

3. Taking into account the legitimate right of citizens held in the UIS establishments to medical aid in the frame of the CMI programme, the outsourcing of medical services is relevant and is now used in providing additional medical aid associated with diagnostics and consultation by highly specialised doctors, including their invitation to a patient, directly to the establishment.

Health protection and medical aid for prisoners is absolutely non-core function with respect to the principal activity of the penal system. The departmental health care support at a high level requires considerable organizational and financial efforts while ensuring the unity of the national policy in the field of health protection of sentenced and remand prisoners. The experience of the leading countries of the world, whose social policy is focused on the humane attitude towards the category of citizens in question, proves that the most feasible approach in terms of economic and social efficiency of ensuring their rights to medical aid is the combination of the primary medical level in the structure of the penitentiary system and specialised resources of public health care system.

The experiment is the principal step on the way to improving the health service support for sentenced and remand prisoners. It involves, first of all, organizational reform of the health care service for its convergence with the structure existing in public health care.

The experiment is implemented in 9 territories. Medical units concentrate all resources directly connected with medical aid provision.

The establishments currently operate in normal regime. The latest of the issues resolved are internal communications and transport. Heads of medical units have prepared proposals on further optimization of the staff structure.

The main outcome of the experiment - the independence of medical practitioners - has been achieved.

This a meaningful result proving that the structure of medical units is efficient, the reform has not deteriorated the key performance indicators and, at the same time, created the basis for the integration of medical units into the public health care system.

The issue of the withdrawal of penitentiary health care from the penal system is being negotiated.

The transfer of this function is associated with relevant changes in the budget of the penal system.

With due regard to the outcome of the experiment, there are two ways of improvement of the system of medical support of sentenced and remand prisoners.

The first way is to withdraw the health care service out of the penal system, move it under control of the Ministry of Health of Russia, which will require the relevant decision of the highest state power bodies providing, in particular, for the funding of a set of measures to overcome the lag of penitentiary medicine behind the public health system.

The second way is to integrate the health care service into the public health system and ensure its modernization by means of the participation of the UIS medical institutions in the Programme of State Guarantees and the implementation of the measures of the State Programme "Health Care Development". In this case the organizational and methodological support of its activities should be managed by a body with relevant organizational, engineering, staff, scientific and informational resources.

#### **Clause No. 117 of the CPT Report:**

The work is underway to select candidates and recruit paramedical staff for medical units in detention facilities in Moscow, Saint Petersburg, UFA, as well as in T-2 in Vladimir and IK-1 in Yagul. Dental aid is provided in SIZO-1 in Saint Petersburg and IK-1 in Yagul.

During the visit to IK-1 in Yagul, the CPT delegation recommended to increase the number of feldshers and nurses in the above-mentioned establishments.

The positions of feldshers and nurses in medical units of IK-1 in Yagul are staffed in accordance with the staff size recommended by the requirements of the Order of the FSIN of Russia No. 154 of March 17, 2008 “On Approval of Approximate Structures and Calculations of the Staff Size of the Management, Workers and Officers of Correctional Establishments, Health Care Institutions and Detention Facilities of the Penal System and Methodological Guidelines to Draw up the Manning Tables Thereof”. The number of paramedical staff provides for the opportunity to organise health care service for suspects, accused persons and sentenced prisoners in accordance with the requirements of Order No. 640/190.

The medical personnel of SIZO-1 in Kazan, which consists of attested and civilian contracted personnel, has been fully staffed according to the manning table (Order of the UFSIN of Russia for the Republic of Tatarstan No. 500 of December 12, 2012).

As a result of the work performed, in November 2012 the staff of the medical unit of SIZO-1 in Ufa increased by 1 position (general practitioner).

At the time of the visit of the CPT delegation to SIZO-1 in Ufa, as well as at this moment, the post of an orderly is not provided for in the manning table of the household service unit of sentenced prisoners.

In accordance with Annex No. 8 to the Order of the FSIN of Russia No. 154 of March 17, 2008 “On Approval of Approximate Structures and Calculations of the Staff Size of the Management, Workers and Officers of Correctional Establishments, Health Care Institutions and Detention Facilities of the Penal System and Methodological Guidelines to Draw up the Manning Tables Thereof”, in the medical unit of SIZO-4 of Moscow there are 11 posts of doctors, 17 posts of nurses and 2 posts of pharmacists.

To date, in Hospital No. 2 of the Federal Government Health Care Institution - Medical Unit 78 of the FSIN of Russia (SIZO-1 in Saint Petersburg) the following posts have been staffed according to the manning table:

### **Hospital No. 2**

Head of the Hospital - doctor 1 staffed

Head Nurse 1 staffed (contract)

#### **Medical Unit B-2**

Head of the Medical Unit 1 staffed

General practitioner 1 staffed

Surgeon 1 staffed part-time half-pay

General practitioner 1 staffed

Dermatovenerologist 1 staffed

Surgeon 1 staffed

Neurologist 1 staffed internal part-time half-pay

Feldsher 7 certified (staffed 6, vacant 1)

Feldsher 1 vacant (contract)

Nurse 1 certified staffed

#### **Therapeutics Department**

Head of Department - doctor 1 vacant

Endocrinologist 1 (contract) staffed part-time half-pay

Head Nurse 1 staffed

Head Nurse 1 staffed certified

Charge nurse 4 staffed

#### **Infectious Disease Department**

Dermatovenerologist 1 staffed half-pay external part-time

Infectious Disease Specialist 1 staffed

Feldsher 1 staffed

Nurse 7 (including staffed: 6,5)

Matron half-pay staffed

**Psychiatric Department**

Head of Department - doctor 1 staffed

Psychiatrist 2,5 staffed

Feldsher 1 staffed

Nurse 3 (staffed 2, vacant 1) certified

Nurse 6 contract (staffed 3x0.5; 1x0,25)

Matron 1 staffed

**Admission Department**

Head of Department - doctor 1 staffed

Feldsher 4 (3 staffed)

**Tuberculothepist's Surgery**

Tuberculothepist 1 vacant

Nurse 1 staffed

**X-ray Room**

Head of the Room - Radiotherapist 1 staffed

Radiotherapist 1 vacant

X-ray Technician 1,5 staffed

**Dental Surgery**

Head of the Surgery - Doctor 1 staffed

Dentist 1 staffed

Nurse 1 vacant

**Functional Diagnostics Surgery**

Specialist in Functional Diagnostics 0,5 staffed

**Offices for Substance Abuse Counselor**

Psychiatrist-Narcologist 1 staffed

Nurse 1 staffed

**Procedure room for**

**HIV-test**

Head Nurse 1 staffed

**Physiotherapeutic room**

Head Nurse 1 staffed

**Organizational and Methodological Office**

Doctor-Methodologist 1 staffed

**Laboratory**

Head of Laboratory - Doctor 1 vacant

Medical Technologist 1 staffed

**Central Sterilization Room**

Sterilization Room Nurse 1 staffed 0,5

**Pharmacy**

Head of Pharmacy 1 staffed

Pharmacist 2 (staffed)

Total 75,5 (vacant: 15,5; staffed: 60)

SIZO-3 of the FSIN of Russia has been staffed with 1 doctor's post and 2 feldsher's posts. The attendance of medical staff is organized in 12-hour duty shifts from Monday till Friday and 24-hour duty shifts at weekends. According to Order No. 640/190, if there is a need to provide emergency medical aid, such aid is provided by an ambulance team. Besides, in urgent cases patients are sent to Hospital No. 1 (B-1) of FKUZ Medical Unit 78 of the FSIN of Russia (Federal Budget Medical Preventive Institution District Hospital named after F.P. Gaaz) for qualified in-patient treatment.

Besides, according to the Regulation of the Government of the Russian Federation No. 1466 of December 28, 2012 "On Approval of the Rules for Providing Medical Aid to Remand or Sentenced Prisoners in Health Care Institutions of the Public and Municipal Health Care Systems, as well as Inviting Medical Specialists of the Said Health Care Institutions if It Is Impossible to Provide Medical Aid in Establishments of the Penal System", qualified medical aid can be provided in public and municipal health care institutions.

### **Clause No. 118 of the CPT Report:**

With the staff size of medical personnel of SIZO-4 in Moscow consisting of 30 posts as of June 1, 2012, including 14 posts of senior, medium and junior management staff and 16 posts of civilian staff, there were 7 vacant posts, including 1 post of senior, medium and junior management staff and 6 posts of civilian staff. As of February 19, 2013, 0 and 6 posts, accordingly, are still not staffed.

In pursuance of the Order of the FSIN of Russia No. 379 of August 28, 2010 "On Experiment for the Introduction of a New Model of Health Care Support", all posts of medical staff of the UFSIN of Russia of Saint Petersburg and the Leningrad Region have been transferred to Federal Government Health Care Institution Medical Unit 78 of the FSIN of Russia.

In the course of measures to organise the activity of the FKUZ Medical Unit 78 of the UFSIN of Russia for Saint Petersburg and the Leningrad Region, 618 medical staff positions were reduced, including 209 positions of management staff and 409 positions of civilian staff. To that end, the manning table of the Federal Government Institution SIZO-1 of the UFSIN of Russia for Saint Petersburg and the Leningrad Region does not contain any positions of medical staff.

With the staff size of medical personnel of T-2 in Vladimir consisting of 22,5 posts as of June 1, 2012, including 8 posts of senior, medium and junior management staff and 14,5 posts of civilian staff, there were 3 vacant posts, including 2 post of senior, medium and junior management staff and 1 post of civilian staff. As of February 19, 2013, 2 and 0 posts, accordingly, are not staffed.

With the staff size of medical personnel of SIZO-1 in Kazan consisting of 51 posts as of June 1, 2012, including 3 posts of senior, medium and junior management staff and 12 posts of civilian staff, there was 1 vacant post, including 1 post of senior, medium and junior management staff and 0 posts of civilian staff. As of February 19, 2013, there were no vacant positions.

The positions of feldshers and nurses in medical units of IK-1 in Yagul are staffed in accordance with the staff size recommended by the requirements of the Order of the FSIN of Russia No. 154 of March 17, 2008 "On Approval of Approximate Structures and Calculations of the Staff Size of the Management, Workers and Officers of Correctional Establishments, Health Care Institutions and Detention Facilities of the Penal System and Methodological Guidelines to Draw up the Manning Tables Thereof". The number of paramedical staff provides for the opportunity to organise health care service for suspects, accused persons and sentenced prisoners in accordance with the requirements of Order No. 640/190.

In accordance with Annex No. 8 to this Order of the FSIN of Russia, the medical unit of SIZO-4 in Moscow has 11 doctor's posts, 17 nurses' posts and 2 pharmacists' posts. They include 6 feldshers' posts, 4 nurses' posts and 1 post of a psychiatrist (all of them are staffed).

As for the increase in the number of feldshers and orderlies in SIZO-1 in Saint Petersburg, we inform you that the manning table of the FKUZ Medical Unit 78 of the FSIN of Russia is approved by the Director of the FSIN of Russia. In order to optimize the medical aid provision in Hospital No. 2 (B-2) of FKUZ Medical Unit 78 of the FSIN of Russia in accordance with the procedures and standards of medical aid provision in the Russian Federation, proposal on amendments to the manning table of FKUZ Medical Unit 78 of the FSIN of Russia have been prepared and sent to the FSIN of Russia.

There is no need to increase the number of feldshers in the health care unit of T-2 in Vladimir, since their number, which is currently available, ensures the normal work of the medical unit.

There is the need in orderlies, however, it is only possible to increase the number of orderlies in the medical unit of T-2 in Vladimir if there is an increase in the number of the staffing positions of the said categories of the UIS employees.

If persons with suspected mental disorders are detected, a psychiatrist from the hospital for prisoners at the FKU IK-3 of the UFSIN of Russia for the Vladimir Region is invited. If necessary, they are sent for examination and treatment to psychiatric unit of the hospital for prisoners at the IK-3.

In order to include a psychiatrist into the staff of the medical unit of the prison, candidates are currently being selected (this work is complicated with the lack of such professionals in the region who are seeking employment).

#### **Clause No. 119 of the CPT Report:**

Dental aid in IK-1 in Yagul is accessible and provided in accordance with requirements of Oder No. 640/190. When sentenced prisoners arrive in the correctional establishment, all of them undergo initial medical examination, including the examination by a dentist. Scheduled dental aid is provided to convicts after they have been registered in the out-patient appointment logbook. The dentist receives patients every day as they need it. The prevalence of emergency dental treatment over the scheduled treatment is caused primarily by the fact that convicts untimely turn to the dentist with pathology requiring extraction of teeth. Low social culture of certain groups of sentenced prisoners should be considered as the main factor causing this situation.

Modern dental equipment has been installed in SIZO-1 in Kazan.

The manning table of SIZO-4 in Moscow includes two dentists' positions (both are staffed). Dental aid in SIZO-4 in Moscow is provided to prisoners in full.

#### **Clause No. 120 of the CPT Report:**

The available areas in SIZO-1 in UFA do not allow increasing the cell area of the TB unit and carrying out the construction of an outdoor exercise yard.

The current repair is carried out in the TB unit according to the schedule of the scheduled preventive repair. At present, the repair is over, the area for one patient in cell No. 30 has been brought in conformity with standards.



Regarding the impermissibility of blocking bars in medical surgeries, we inform you that the installation of such bars in procedure rooms is caused by the need for medical staff to observe security measures, especially for middle level medical staff (nurses), who are mostly women and civil persons, whose security at their place of work is a priority. Besides, these bars are additional means preventing stealing drugs from procedure rooms with the purpose of their non-medical use by sentenced prisoners suffering from drug or alcohol addiction.

The CPT members' concern was caused by the fact that non-medical staff of FKU IZ-18/1 of the UFSIN of Russia for the Udmurt Republic is present during medical examinations and consultations of prisoners, as well as during medical examinations at the prisoners' arrival to the establishment.

When considering the need for the presence of non-medical staff during the medical examination, the medical staff of the establishment were governed by paragraph 54 of joint Order No. 640/190: "during the in-patient attendance and, if necessary, in order to ensure security, an inspector (junior inspector) is to be in the surgery of a doctor (feldsher). The decision regarding the necessity of his/her presence shall be taken by medical practitioner receiving patients"; as well as by paragraph 51: "medical practitioners are prohibited to stay in cells and disciplinary cells of detention facilities, prisons, special-regime colonies, as well as in punitive and disciplinary isolators and cell-type premises, without being accompanied by inspectors (junior inspectors)." The shutters in the procedure room in the medical unit of IK-1 in Yagul have not been removed, since, otherwise, the nurse's personal safety will not be guaranteed. In other premises, there are no shutters and other bars that prevent free communication between the convict and medical staff.

The premises where medical examination is carried out are equipped with mobile screens; thus, the conditions of confidentiality and privacy are observed during medical examination.

In SIZO-1 in Kazan, there are no shutters on the cell windows; there is no "cage" or a barred zone for prisoners in the surgery for initial medical examination and in the laboratory for blood taking.

In accordance with the requirements of Order of the Ministry of Justice of Russia No. 279 of September 4, 2006 "Instruction on Equipping Facilities of Penal System with Security and Supervision Equipment", Order of the Ministry of Justice No. 407 of July 27, 2007 "On Approval of the Catalogue "Special (Secure) Items for Equipment of Detention Facilities, Prisons and Correctional and Specialised Establishments of the FSIN of Russia), in pursuance of the Guidelines of the FSIN of Russia (No. Sh-25/2-10C of June 4, 2011), the Main Directorate of the FSIN of Russia for the Republic of Bashkortostan (No. 3/TO/5 – 196 of May 28, 2011 and No. 3/TO/5 – 271 of July 8, 2011) regarding the facts of taking and keeping of female staff as hostages in correctional establishments of Russia, in order to ensure personal safety of the said staff, corridors, offices, In order to prevent taking of hostages and ensure personal safety of the medical staff of SIZO-1 in Ufa, as well as in pursuance of Instruction of the FSIN of Russia "On Strengthening the Efforts to Protect the Life and Health of the Staff" No. 11/1-4894t of November 17, 2009, in SIZO-1 in Ufa medical surgeries have been equipped with blocking bars, which do not hinder the provision of full medical care to special contingent of prisoners taken out of cells procedure and bandaging rooms of medical units of correctional establishments have been equipped with blocking metal lattice doors.to attend medical specialists.

Pursuant to the requirements of Order No. 640/190, by agreement with the medical practitioner, other officers of the establishment, who have not received medical training, may be present during the medical examination in order to ensure the safety of the former. During the medical examination of persons prone to attacks, escape and taking hostages, as well as persons with mental disorders, taking into account the fact that medical staff consists primarily of women, the examination procedures can only be carried out through a blocking bar in order to ensure personal safety of medical professionals.

In SIZO-4 in Moscow, medical surgeries in the collecting unit, as well as in secure buildings, are not equipped with bars (cages).

As for the zones separated by bars in surgeries for medical procedures in the UIS establishments, we inform you that, according to paragraph 52 of the Order of the Ministry of Health of the Russian Federation and the Ministry of Justice of the Russian Federation No. 640/190 of October 17, 2005, in detention facilities, special regime correctional colonies and prisons, patients are taken out to see the doctor (or the feldsher) or to perform medical procedures individually or in groups of 3-5 people in compliance with the requirements of isolation and with proper supervision. Zones partitioned by bars are made in pursuance of orders pertaining to security; this confined place is intended for medical staff (nurse) to ensure personal safety of the latter and prevent taking hostages. Persons who serve their sentences or are detained in custody undergo medical procedures outside the space confined by the bar.

There are no such blocking bars (cages) in T-2 in Vladimir. At the same time, an internal lattice door is installed in the procedure room (after the ordinary door); it is provided with a hole that enables taking blood from suspects, accused persons and sentenced prisoners and giving out medicines.

The presence of a lattice door cannot be considered inhuman and degrading for prisoners and the medical staff. The latter, for example, reasonably believe that this door is a reliable mean of ensuring their safety that significantly reduce the threat to their health and life really coming from convicts who have been lawfully (by court decision) recognized to be persons dangerous for ordinary members of society. All the more so, that a part of them have been registered for preventive purposes as individuals prone to attacks on the staff of the establishment, taking hostages and other unlawful acts. It is also necessary to take into consideration the fact that no cases have been registered when the presence of such lattice door gave rise to writing complaints by sentenced prisoners.

At the same time, if the central authority of the UIS takes the decision to stop further use of such means of ensuring safety of the medical staff of UIS establishments, they will no longer be used in the UIS establishments. However, in this case, there will be the need for attested UIS officers to be present during the reception of patients in the medical unit of a prison (taking into account that the overwhelming majority of medical staff are civilian employees). Keeping in mind understaffing of junior supervision inspectors (in the secure unit of the establishment), heads of brigades and other officers from medium and senior management of other units and services of the establishments will be involved in this activity, which will distract them from performing their official duties.

**Clause No. 121 of the CPT Report:**

The UIS establishments are provided with an adequate range and amount of medicines for the provision of required medical aid.

**Clause No. 122 of the CPT Report:**

Order No. 640/190 provides for the presence of duty inspectors at the medical examination of suspects, accused persons and sentenced prisoners carried out both in medical institutions of the UIS and in health care institutions of other bodies. The presence of duty inspectors enables a medical practitioner to focus on his/her professional activity and not to be distracted to ensuring special measures to prevent attacks from the part of the patient, escape or other unlawful act.

At the same time, in accordance with the Instruction of the FSIN of Russia No. 13-3729-01 of March 9, 2011 regarding the performance of the CPT's recommendations of the judgments of the European Court of Human Rights, all correctional establishments have introduced into practice of medical examination of suspects, accused persons and sentenced prisoners the use of folding screens to conceal persons examined by medical practitioners from secure officers in order to ensure medical secrecy and prevent the indignity of persons held in establishments of the penal system.

It should also be noted that attacks on employees of the UIS establishments to seize hostages predominantly occur in medical units and against medical professionals during the performance of their official duties.

Besides, according to the requirements of Order 640/190, in each brigade of a correctional institution the out-patient appointment logbook is maintained by the head of the brigade. In a detention facility the logbook is maintained by the duty officer of the block. Before the beginning of the outpatient attendance, this logbook is passed to the medical unit.

Suspects, accused persons and sentenced prisoners in detention facilities and prisons seek medical aid from a medical professional during his/her daily visits to the cells, and in the event of an acute illness - from any member of the staff. The employee who a suspect, accused person or convict have appealed to must take measures to provide medical aid to such person. In order to receive medical aid, the person who is in need of it is taken out to the medical surgery (ambulance station), where medical examination and medical treatment is carried out.

Thus, the implementation of this requirement will reduce the access to medical aid for these people, especially when it is to be provided on an emergency basis.

In accordance with paragraph 46 of Order No. 640/190, in the UIS establishments, before suspects, accused persons and sentenced prisoners are placed in a single-occupancy cell or *kartzet*, *SHIZO*, disciplinary isolator, PKT, EPKT, isolated premises with strict conditions of serving the punishment and after the decision of the punishment has been taken, the medical examination is to be conducted with a written conclusion of a doctor (feldsher) stating whether it is possible to hold the person in the above-mentioned premises.

### **Clauses No. 123 and 125 of the CPT Report:**

If a person with bodily injuries has been delivered to an establishment of the FSIN of Russia, then, upon the initiative of the duty assistant to the head of the establishment (operational duty officer) or upon the application of the person suffering from bodily injuries, as well as if bodily injuries are detected during the examination, the medical professional (physician, feldsher) shall execute an act in optional form. The said act shall be executed in two counterparts, one of which is attached to the medical record of the outpatient, and the second one is given out to the suspect, accused person or sentenced prisoner against his/her personal signature on the first counterpart of the act.

The report on the fact of examination is submitted to the head of the establishment of the FSIN of Russia and the Prosecutor in charge of supervision of the establishment. The attachment of the act to the medical record of the out-patient shall be noted in the list of exact diagnosis on a mandatory basis.

Within the period of at least three days after the arrival to the detention facility, all newly arrived detainees, except for those who are in transit, are thoroughly examined by a doctor (or by a feldsher in feldsher health units), as well as take a photofluorographic examination.

While examining a patient, the doctor asks about his/her complaints, studies his/her medical background and life history, carries out external examination in order to detect bodily injuries, newly made tattoos, other distinguishing marks, carries out comprehensive objective examination using generally accepted methods of examination, palpation, percussion and auscultation, and appoints additional methods of examination, if necessary.

All information obtained during the examination is duly recorded in the outpatient's card.

No unregistered cases of the use of force and/or special means in respect of suspects, accused persons and sentenced prisoners held in IK-1 in Yagul and T-2 in Vladimir have been revealed.

**Clause No. 124 of the CPT Report:**

In accordance with the instructions of the FSIN of Russia No. 10/1-4188 of December 1, 2010, No. 13-9947-01 of May 27, 2011, No. 13-20653-04 of November 1, 2011, No. 13-20654-04 of November 1, 2011, No. 13-7859-01 of April 25, 2012, No. 13-13087-01 of July 5, 2012 in all UIS establishments:

The following records are included on a mandatory basis into the text of conclusions based on the findings of the medical examination of persons accepted to the UIS establishments and held therein, including those associated with the use of physical force and special means, as well as in the event of the detection of bodily injuries:

- 1) the full record of information given by the person in question related to the medical examination;
- 2) the full record of objective medical assessment made on the base of thorough examination;
- 3) the conclusion of a medical professional with consideration of the information of clauses 1) and 2) and indicating the extent to which the statements made are consistent with the objective medical examination (a copy of this conclusion shall be given to the examined person and/or his/her lawyer);

In the frame of duty units of the UIS establishments an accelerated procedure has been introduced, which provides that information on the registration of injuries associated with complaints about ill-treatment of sentenced prisoners and remand prisoners (at arrival or after an incident with the use of force in the penal system establishments) is to be regularly sent to prosecution bodies and investigative agencies;

Control is ensured over the fulfillment of paragraph 28 of the Procedure for Organisation of Medical Aid to Persons Serving their Sentences in Places of Deprivation of Liberty and Detained in Custody approved by Order No. 640/190, which provides that, if a person with bodily injuries has been delivered to the UIS establishment, then, upon the initiative of the duty assistant to the head of the UIS establishment (operational duty officer) or upon the application of the person suffering from bodily injuries, as well as if bodily injuries are detected during the examination, the medical professional (physician, feldsher) shall execute an act of optional form in two counterparts, one of which is to be attached to the medical record of the out-patient, and the other one shall be given to the suspect, accused person or convict against his/her personal signature on the first copy of the act. The report on the fact of examination shall be submitted to the head of the UIS establishment and the Prosecutor in charge of supervision of the UIS establishment. The attachment of the act to the medical record of the out-patient shall be noted in the list of exact diagnosis on a mandatory basis;

UIS employees who may have been involved in ill-treatment are prohibited to take part in inspections concerning the facts of use of physical force or special means to sentenced and remand prisoners;

Relevant instructions for all employees have been sent to territorial bodies of the FSIN of Russia.

In order to arrange clear description by medical practitioners of detected bodily injuries of detainees, persons under investigation and sentenced prisoners, the Head of Hospital No. 2 of the Federal Government Health Care Institution - Medical Unit 78 of the FSIN of Russia (SIZO-1 in Saint Petersburg) developed and approved the standard protocol of description of bodily injuries.

The issue of discrepancies in the records of medical staff in the medical documentation was considered at the joint meeting of the heads of medical units, health care posts and hospitals of the FKUZ Medical Unit 78 of the FSIN of Russia. At the meeting it was pointed out that officers bear personal responsibility for maintenance of and control over medical documentation of subordinate units in accordance with the requirements of the orders of the Ministry of Health and Social Development.

#### **Clause No. 126 of the CPT Report:**

In order to prevent ungrounded use of physical force and special means, as well as to make the administration of the penal system establishments timely send to prosecution and investigative bodies the information on bodily injuries of sentenced and remand prisoners detected by medical professionals, which injuries, according to the victims, were inflicted as a result of unlawful actions of other inmates, the staff of the penal system or law enforcement agencies, the following activities have been ensured in accordance with the instructions of the FSIN of Russia:

- personal control of the heads of territorial bodies of the FSIN of Russia over the compliance of all cases of use of physical force or special means in respect of suspects, accused persons and sentenced prisoners

- timely execution and review of reports and acts on the use of physical force or special means, as well as comprehensive medical examination of persons in respect of whom physical force or special means have been applied, the results are recorded in a prescribed manner. with the requirements of Law of the Russian Federation No. 5473-1 of July 21, 1993 "On Institutions and Bodies Executing Criminal Punishments in the Form of Deprivation of Freedom"; Each occurrence is subject to a thorough check by commissions of the territorial agency of the FSIN of Russia;

- the procedure has been introduced at duty stations of the penal system establishments providing for accelerated submission to investigative and prosecution agencies of the information on the registration of injuries inflicted by persons detained in the establishments in question;

- control over the fulfillment of paragraph 28 of Order No. 640/190;

- UIS employees who may have been involved in ill-treatment are prohibited to take part in inspections concerning the facts of use of physical force or special means to persons held in the establishments of the penal system;

Relevant instructions for all employees have been sent to territorial bodies of the FSIN of Russia.

When bodily injuries are detected on convicts, suspects and sentenced prisoners arrived in IK-1 in Yagul to serve their sentence in the form of imprisonment or further detention in custody, this fact shall be duly registered. In this case, during the interview of a sentenced prisoner, suspect or accused person, the place and circumstances of getting bodily injuries are established; based on these facts, the decision is taken to send an inquiry to the other establishment, where, according to the sentenced prisoner, suspect or accused person, bodily injuries were inflicted, with the request to send to the address of the establishment the findings of the investigation of this fact, as well as, if necessary, a document confirming the procedural decision taken. In other cases, all materials collected during the investigation are sent to territorial agencies of the Ministry of Interior of the Russian Federation for the Udmurt Republic, to territorial agencies of the Investigative Committee of the Investigative Directorate of the RF for the Udmurt Republic or to the court for making juridical assessment and taking procedural decision in accordance with the Code of Criminal Procedure of the Russian Federation. If there is no response to the materials sent, repeated inquiries

are sent once a quarter to the agencies where the material was sent to with the request to send a procedural document to the address of the establishment.

Bodily injuries of prisoners arriving to SIZO-1 in Kazan are recorded in the logbook of injuries in the medical unit, the logbook for recording the information of incidents and the logbook for recording reports on crimes, with subsequent transmission of this information to the local Prosecutor's Office in charge of the supervision of the establishment.

**Clauses No. 127 and 130 of the CPT Report:**

Heads of establishments and agencies of the FSIN of Russia give priority to measures aimed at prevention and treatment of such socially significant diseases as HIV and tuberculosis.

More than 8,000 HIV infected persons held in the UIS establishments receive highly active antiretroviral therapy. All TB patients are fully provided with primary and reserve TB drugs.

**Clause No. 128 of the CPT Report:**

In the tuberculosis unit of SIZO No. 1 in Ufa the flows of patients were separated and smear-positive patient were isolated from smear-negative patients; the controlled taking of anti-TB drugs was organised as well.

The work of the TB unit of SIZO-1 in Ufa is organised in accordance with the Order of the Ministry of Health of Russia No. 109 of March 21, 2003 (as amended on October 29, 2009) "On Improving Anti-TB Measures in the Russian Federation" and relevant provisions of Order No. 640/190.

The separation between smear-positive (BK+) and smear-negative (BK-) prisoners is ensured by means of holding persons with BK+ in a separate cell.

If necessary, patients are sent for treatment to the FKU Medical Correctional Institution 19 of the Main Directorate of the FSIN of Russia for the Republic of Bashkortostan or to the State Budget Health Care Institution (hereinafter referred to as GBUZ) the Republican Anti-TB Dispensary. In 2011 and 2012, no cases of mortality from tuberculosis in SIZO-1 in Ufa were recorded.

Direct control over whether TB-patients have taken relevant medicines is exercised at the moment when the medications are given out by the head nurse of the TB unit and by the duty feldsher if the head nurse is absent.

The performance of the TB unit has been repeatedly checked by officers of the medical department of the Main Directorate of the FSIN of Russia for the Republic of Bashkortostan, the Sanitary and Epidemiological Supervision Center for the Privolzhsky Federal District, the Chief State Medical Officer, officers of the FSIN of Russia. No violation of applicable laws in the field of anti-TB activities were detected.

**Clause No. 129 of the CPT Report:**

The available areas in SIZO-1 in UFA do not allow increasing the cell area of the TB unit and carrying out the construction of an outdoor exercise yard.

The current repair is carried out in the TB unit according to the schedule of the scheduled preventive repair. At present, the repair is over, the area for one patient in cell No. 30 has been brought in conformity with standards.

Nutrition and living conditions of TB-patients in SIZO-1 in Ufa is organized in accordance with the Order of the Ministry of Justice No. 125 of August 2, 2005 (as amended on July 3, 2008) "On Approval of Standards of Nutrition and Living Conditions of Sentenced Prisoners, as well as Individuals Suspected and Accused in Committing Crimes Held In Detention Facilities of the Federal Service of Execution of Sanctions in Peacetime". No complaints about the quality of food have been received from prisoners.

Shower rooms in the TB unit are equipped and operated in accordance with the requirements of SanPiN No. 982-72 "Arrangement, Equipment and Maintenance of Baths". Every day, after every washing of prisoners, shower rooms are sanitized.

In the TB unit of SIZO-1 in Ufa, suspects, accused persons and sentenced prisoners go out for a walk every day in accordance with Federal Law No. 103-FZ of July 15, 1995

"On detention in custody of suspects According to the schedule, TB-patients from among suspects, accused persons and individuals charged with criminal offenses" and sentenced prisoners held in SIZO-1 in Ufa are allowed to spend outdoors at least two hours.

and the Order of the Ministry of Justice of the Russian Federation No. 189 of October 14, 2005 There are 8 outdoor exercise yards in the TB unit. "On Approval of the Internal Rules of Conduct in Detention Facilities of the Penal System". Outdoor exercise yards of the TB unit are situated on the 3rd floor of the 4th secure block, which has a corner roof. The building of the 4th secure block was built in 1972. Outdoor exercise yards are not equipped with waterproofing and storm water drain to remove precipitations. In order to bring an outdoor exercise yard in conformity with the specified requirements, the reconstruction of the building to the amount of RUR350,000 is needed. It is currently impossible to organise a place for outdoor exercises for TB-patients at the ground level because there is no sufficient space to build outdoor exercise yards.

In accordance with the order of the Ministry of Justice of Russia No. 161 of May 28, 2001 "On Approval of the Design Standards for Detention Facilities and Prisons of the Ministry of Justice of the Russian Federation (SP-15-01 of the Ministry of Justice of Russia)" all cells of the TB unit are equipped with natural and forced ventilation.

Each cell is equipped with a sanitary facility isolated with ceiling-high partition providing for privacy. Sanitary facilities are in good state of repair. In-cell sanitary facilities are disinfected on a daily basis.

All cells of the TB unit are equipped with a bactericidal lamp.

A new schedule of sanitization of suspects, accused persons and sentenced prisoners held in SIZO-1 in Ufa has been developed and approved; it provides prisoners with additional time for taking a shower.

The cells holding TB-patients are not overcrowded. The intended capacity of the TB unit is 100 beds. At present, the TB unit holds 58 people, at the time of the CPT's visit there were 51 people.

### **Clause No. 131 of the CPT Report:**

The Federal Service of Execution of Sanctions has organised full-time training of psychiatrists of the establishments of the penal system in the leading public educational institutions of the Ministry of Health of the Russian Federation in the frame of the programmes of professional development (their duration sometimes exceeds 2.5 months), which provide for the study of modern methods of psychotherapy, psychological counseling, and other non-drug means of treatment in clinical psychiatry. Thereby, conditions are created for the expansion of the range of means and methods of psychiatric treatment of persons held in the establishments of the penal system. Moreover, the training in "civil" universities and academies contributes to the integration of psychiatrists of the penal system into the professional community, the expansion of their professional outlook and the strengthening of their contacts with leading specialists.

As a result of the efforts taken by the administration of the FKUZ Medical Unit 78 of the FSIN of Russia the psychiatrist's post of the medical unit that serves SIZO-3 is currently staffed with a specialist who complies with all qualification requirements.

**Clause No. 132 of the CPT Report:**

Service units responsible for logistic support take measures to replace outdated equipment and soft inventory. At the same time, the statutory regime requirements predetermine, to a great extent, that the furnishing of all units of the establishment, including medical wards, shall be typical of institutions providing the isolation from society.

**Clause No. 133 of the CPT Report:**

The main area of activities of psychologists in correctional establishments and detention facilities are psychodiagnostics and psycho-correction. In 2012, 93% of newly arrived suspects, accused persons and sentenced prisoners were examined. In the process of psychodiagnostics, their individual psychological features, criminally important properties, tendencies to suicide and self injury, etc. are determined. Characteristics and recommendations are drawn up based on the findings of the examination in order to individualize the educational work with suspects, accused persons and sentenced prisoners, which will facilitate the efforts of officers of correctional establishments or detention facilities. If necessary, they are registered for preventive purposes for various reasons.

In accordance with Article 12 of the Penal Execution Code of the Russian Federation, sentenced prisoners take part in activities associated with the provision of psychological aid only with their consent. In 2012, 97% of sentenced prisoners were involved in psycho-correctional activities.

The regulatory act, which is currently being developed in the FSIN of Russia, provides for the improvement of the efficiency of psychologists' efforts to provide psychological aid to suspects, accused persons and sentenced prisoners.

The administration of SIZO-3 of the FSIN of Russia has taken urgent measures to provide regular psychological aid to detainees. A psychologist of the FKUZ Medical Unit 78 of the FSIN of Russia is invited to provide psychological aid.

**Clause No. 134 of the CPT Report:**

In accordance with the Regulation of the Government of the Russian Federation No. 221 of February 28, 1996 "Rules of Compulsory Medical Examination of Persons Held in Places of Deprivation of Liberty for the Detection of the Human Immunodeficiency Virus (HIV infection)", people held in places of deprivation of liberty are subject to compulsory medical examination for the detection of HIV:

- if they expressed the wish to be donors of blood, blood plasma, semen and other body fluids, tissues and organs
- at each taking a donor material;
- if in health care institutions of the penal system they are involved in performing the duties of employees specified in the List of employees of certain professions, production facilities, enterprises, establishments and entities subject to compulsory medical examination for the detection of HIV during preliminary compulsory medical examination conducted at the commencement of employment and regular compulsory medical examinations approved by the Government of the Russian Federation. Regular medical examinations are conducted at least once a year;
- on medical indications established by the Ministry of Health of Russia.



The allegation that a number of prisoners who had refused to have their blood tested for HIV were informed by the representatives of the administration of the UIS establishment that they were included into the “risk group” and that this fact would affect the detention regime, is not true. Regulatory legal acts do not provide for such actions.

Non-medical personnel of the UIS establishments get access to medical information only on a “need-to-know” basis.

According to departmental regulatory acts, when sentenced prisoners arrive to correctional institutions, their medical records are withdrawn from personal files and transferred to the medical unit.

At the joint meeting of medical professionals of the FKUZ Medical Unit 78 of the FSIN of Russia (SIZO-1 of Saint Petersburg) the issue of compliance with confidentiality requirements in respect of medical information was considered.

Heads of the branches of the FKUZ Medical Unit 78 of the FSIN of Russia (SIZO-1 of Saint Petersburg) were warned about their personal responsibility for compliance with confidentiality requirements in respect of data of medical nature constituting medical secrecy according to Article 13 (medical confidentiality) of the Federal Law “On Fundamentals of Protection of Public Health in the Russian Federation”.

#### **Clause No. 135 of the CPT Report:**

In accordance with the CPT’s recommendations, Hospital No. 2 of the FKUZ Medical Unit 78 of the FSIN of Russia (SIZO-1 of Saint Petersburg) stopped involving prisoners in hospital units as orderlies assisting medical personnel in completing medical documents and maintaining medical archives. Outsiders are no longer provided with access to medical documentation and information constituting medical secrecy.

#### **Clause No. 136 of the CPT Report:**

With the staff size of SIZO-4 of Moscow consisting of 396 posts as of June 1, 2012, including 157 posts of senior and medium management staff, 239 posts of junior management staff, and 33 posts of civilian staff, there were 33 vacant posts, including 17 posts of senior and medium management staff and 16 posts of junior management staff. As of February 19, 2013, there were 6 and 10 posts, accordingly.

Due the fact that the issue of the optimization of the number of UIS employees is currently under consideration, the staffing of vacancies of the management staff of territorial agencies has been suspended by the management of the FSIN of Russia until further orders.

Under these circumstances, the employment in the UIS is carried out in the event of extreme exigency, and in agreement with the Personnel Directorate of the FSIN of Russia.

At the same time, the candidates to be appointed to the posts of medical personnel and in the UIS establishments with the highest indicator of understaffing are agreed upon as a matter of priority.

#### **Clause No. 137 of the CPT Report:**

In accordance with applicable regulations, the performance of official duties on the basis of a 24-hour schedule is only allowed upon authorization of the FSIN of Russia and if the transfer of service to this schedule is well-grounded.

The FSIN of Russia is currently making efforts to optimize the staff size of the penal enforcement system.

**Clause No. 138 of the CPT Report:**

Internal Rules of Conduct in Detention Facilities of the Penal Enforcement System approved by the Ministry of Justice of the Russian Federation No. 189 of October 14, 2005, provide for the obligation of detained persons to be in turn on duty in the cell. The cell duty inmate is obliged to:

- put his/her signature in the Logbook of appointment of inmates on duty in the cells confirming that he/she has been made aware of the responsibilities of a cell duty inmate;
- to report the number of suspects and accused persons held in the cell when officers of SIZO enter the cell;
- take care of the safety of the cell inventory, equipment and other property;
- receive and return tableware for persons held in the cell;
- sweep and wash the floor in the cell, clean the in-cell sanitary facility and the outdoor exercise yard after the walk is over;
- wash the drinking water container;
- be present during the search of personal belongings in the cell in the absence of their owners.

The changing of duty inmates takes place on a daily basis in accordance with the schedule of duty shifts. Thus, the cell duty inmate does not have authority over other inmates in the cell.

**Clause No. 139 of the CPT Report:**

Operational units of establishments and agencies of the FSIN of Russia are obliged, in the frame of interdepartmental cooperation, to accomplish official assignments of other law enforcement agencies in the frame of applicable laws of the Russian Federation defining the organization of the operational and search activity.

**Clause No. 140 of the CPT Report:**

In accordance with instructions of the FSIN of Russia No. 13-9425-04 of May 20, 2011, No. 13-2777-01 of February 16, 2012, No. 13-23960-01 of December 20, 2012, No. 15-3036-08 of February 20, 2012, control has been established over the compliance with law when sanctions are applied to sentenced and remand prisoners in the form of their placement in a lockup, punitive isolation cell (SHIZO), their transfer to cell-type rooms (PKT), single-space cell-type rooms (EPKT), as well as over prevention of continuous (without taking them out of the cell for the period less than 24 hours) confinement of sentenced and remand prisoners, if they committed another offence within such period, in the said cell premises for a period exceeding that established by law.

The conformity of the sanction imposed with the gravity and nature of the offence committed is ensured; when sentenced and remand prisoners are placed in a lockup, punitive isolation cell, transferred to cell-type rooms or single-space cell-type rooms, the decision is taken on a collegiate basis by the commission of the establishment in the presence of the offender, taking into account his/her explanations; extracts from protocols of disciplinary commissions are attached to the personal file of the offender.

Every time when a sentenced or remand prisoner is let out early from the locked premises by order of the Prosecutor, official investigations are conducted to establish the guilty persons and bring them to disciplinary action.

Heads of correctional establishments have been warned of their personal responsibility for compliance with law when they resort to sanctions against sentenced prisoners. Commissions check the state of disciplinary practice in correctional establishments, compliance with law and the justification of resort to sanctions against sentenced prisoners. In order to improve the law knowledge of officers of educational services, they are trained as regards the issues of preparation and drawing up the documents on the resort to sanctions against sentenced prisoners, including when the latter are placed in punitive isolation cell, transferred to cell-type rooms and single-space cell-type rooms.

In accordance with Article 115 of the Penal Code of the Russian Federation, if sentenced prisoners violate the established procedure of serving their sentence, they may be placed in a punitive isolation cell for the period up to 15 days. In accordance with Article 117 of the Penal Code of the Russian Federation, the sanction is executed immediately, in exceptional cases - not later than 30 days after the day when it has been imposed. According to Articles 115 and 116 of the Penal Code of the Russian Federation, when a sentenced prisoner is transferred to cell-type premises, he/she shall be recognized a malicious violator of the regime of serving his/her sentence and, according to Article 122 of the Penal Code, shall be transferred to strict conditions of serving his/her sentence, which aggravates the situation of sentenced prisoners. In accordance with Article 117 of the Penal Code of the Russian Federation, when sanctions are applied to a sentenced prisoner, the circumstances in which the offence was committed, the personality of the convict and his/her previous behaviour are taken into account. The decision on the resort to a sanction is taken by the commission and corresponds to the gravity and nature of the offence.

The specialized Prosecutor's Office has not detected any violations of disciplinary practice during its monthly inspections.

In accordance with requirements of the penal legislation of the Russian Federation, the sanctions applied to sentenced prisoners shall be resorted to reasonably, taking into account their personalities, previous behaviour and shall correspond to the gravity of offences committed by them.

In 2012, in correctional establishments of the FSIN of Russia, 15,120 convicts were transferred to cell-type premises; 2,409 people were transferred to single-space cell-type premises; 10,425 people were transferred to strict conditions of serving their sentences.

#### **Clause No. 141 of the CPT Report:**

Legal assistance is provided at the request of the convicted person.

The FSIN of Russia issued Instruction No. 13-22116-01 of November 26, 2012 pertaining to the improvement of the performance of territorial agencies of the FSIN of Russia in the area of providing free legal assistance.

In accordance with Article 117 of the Penal Code of the Russian Federation, a check is to be performed within 10 days, in the frame of which the convict is informed about the committed violation of the established procedure of serving his/her sentence and he/she is offered to write an explanation of the violation committed. The disciplinary commission considers the issue of the resort to disciplinary sanctions in the presence of the sentenced prisoner with consideration of his/her written explanation. Besides, the commission orally explains the sentenced prisoner the procedure of appealing the decision. The sentenced prisoner is made aware of the commission's decision against his/her signature.

In accordance with Article 39 of Federal Law No. 103 of July 15, 1995 "On Detention in Custody of Suspects and Individuals Charged with Criminal Offenses", the procedure of resort to sanctions has been defined; it provides that suspects and accused persons are entitled to appeal against the sanction to a superior official or to the court. Filing an appeal does not suspend the execution of the punishment.

In T-2 in Vladimir the procedure of the resort to disciplinary sanctions against suspects, accused persons (in PFRSI) and sentenced prisoners (in a prison), in particular, in the form of their confinement in a lockup or a punitive isolation cell, is implemented in strict compliance with Articles 38-40 of Federal Law No. 103-FZ of July 15, 1995 "On Detention in Custody of Suspects and Individuals Charged with Criminal Offenses" and Articles 115-117 of the Penal Code of the Russian Federation. No violations of the procedure of imposing sanctions on suspects, accused persons and sentenced prisoners were detected by prosecutors in charge of overseeing the PFRSI and the prison and the members of the public monitoring commission.

**Clause No. 142 of the CPT Report:**

For the purpose of assessing the behaviour of sentenced prisoners, disciplinary commissions are formed in correctional establishments; besides representatives of the administration of the establishment they include members of public associations, human rights and religious organizations.

At their meetings, commissions consider the violation committed by a sentenced prisoner in his/her presence. He/she has the right to express his/her personal opinion regarding the fact of the violation. The decision to resort to a sanction is taken on a collegiate basis and is approved by the head of the establishment.

The FSIN of Russia sent for execution to all territorial agencies its Instructions No. 13-9425-04 of May 20, 2011, No. 13-2777-01 of February 16, 2012, No. 13-23960-01 of December 20, 2012, No. 15-3036-08 of February 20, 2012, according to which territorial agencies shall:

ensure control over creating conditions of confinement for sentenced and remand prisoners placed to a lockup or punitive isolation cell or transferred to cell-type rooms or single-space cell-type rooms complying with the standards of international law, provisions of international treaties of the Russian Federation and federal laws, including those pertaining to sanitary area standards per inmate, provision of individual sleeping place and bed accessories; registration documents confirming that administration of penal enforcement system establishments have met these obligations shall be stored in order to defend the interests of the Russian Federation in the ECHR;

to establish control over the observance of the law when sanctions are applied to sentenced and remand prisoners in the form of placement in a lockup or punitive isolation cell or transfer to cell-type rooms or single-space cell-type rooms, taking into account the correspondence of the imposed sanction to the gravity and nature of the offence committed; in this case the decision is taken on collegiate basis by the commission of the penal enforcement system establishment in the presence of the offender and taking into account his/her explanations, thus, preventing continuous (without taking them out of the cell for the period less than 24 hours) confinement of sentenced and remand prisoners, if they have committed another offence within such period, in the said cell premises for a period exceeding that established by law.

**Clause No. 143 of the CPT Report:**

In pursuance of instructions of the FSIN of Russia No. 13-2777-01 of February 16, 2012 and No. 13-13018-01 of July 05, 2012, the penal enforcement system establishments ensured the creation of conditions of confinement for sentenced and remand prisoners placed to a lockup or punitive isolation cell or transferred to cell-type premises or single-space cell-type premises complying with the standards of international law, provisions of international treaties of the Russian Federation and federal laws, including those pertaining to sanitary area standards per inmate, provision of individual sleeping place and bed accessories.

At the time of the inspection, internal blocking bars were being replaced in lockups of PFRSI of IK-1 in Yagul. Lockups of PFRSI of IK-1 in Yagul fully comply with the standards of equipment of lockup premises. The single-occupancy punitive isolation cell measured 3,6 m<sup>2</sup> is not used for accommodating prisoners.

The occupancy limit of a punitive isolation cell is 93 people with the living space of 255.6 m<sup>2</sup> and 2.7 m<sup>2</sup> per inmate.

The lockup premises of SIZO-1 in Kazan are situated on the first floor of the administrative building. The total number of premises is 5. The average area of lockup premises is 5.96 sq.m, which meets the standards approved by Order of the Ministry of Justice of the Russian Federation No. 161 of May 28, 2001 (5 sq.m). Together with the Capital Construction Department of the UFSIN of Russia for the Republic of Tatarstan, the question is being considered of refurbishment of the cells by means of pair-wise combining two adjacent cells.

Each lockup is equipped with a flush toilet, sink, folding metal bed, table, stool, shelf for toiletries, lamps, the window measuring 0.9 x 0.6 m.

In order to bring the sanitary area of cell premises of SIZO-1 in Ufa in compliance with law (to be at least 4 m<sup>2</sup> per one person under investigation) the following work has been carried out:

the issue has been elaborated on establishing a transit and holding center for 35 places at the federal government institution (FKU) IK-13 of the Main Directorate of the FSIN of Russia for the Republic of Bashkortostan (Ufa), which will make it possible to reduce the number of prisoners in SIZO-1 in Ufa;

the FSIN of Russia has approved the issue of establishing premises functioning in the regime of detention facilities under the FKU IK-10 in Ufa with intended capacity of 242 places.

The assignments for the development of design and estimate documentation for the construction of the new SIZO and reconstruction of existing security blocks will, in accordance with the law and approved design standards, provide for:

- partition of sanitary facilities from the living space;
- equipment of security blocks with plenum-and-exhaust ventilation.

To date, the following work has been completed to partition sanitary facilities from the living space:

- in accordance with additional budgetary funding, RUR 3 million was allocated for this work from the federal budget, including general funding of the FKU SIZO-1 in the amount of RUR 550,000; the works to ensure privacy in 100 cells have been completed.

The area of a lockup-type cell in SIZO-4 in Moscow is 6.28 m<sup>2</sup>. Suspects and accused persons are held one in a lockup.

All lockup-type premises in SIZO-1 in Saint Petersburg are measured 8 sq.m and intended primarily for single occupancy.

It is objectively impossible to increase the areas of lockups and punitive isolation cells in T-2 in Vladimir. Their restructuring involves the destruction of the side walls, which are the carrier walls. That is why, as well as taking into account that the age of the security blocks of the prison varies from 100 to 200 years, the destruction of the side walls of lockups and punitive isolation cells will result in the collapse of floors and walls of the security blocks.

The CPT's recommendations will be considered when the new Federal Target Programme is developed.

#### **Clause No. 144 of the CPT Report:**

Applicable departmental design standards SP-15-01 provide that the area of a lockup shall be not less than 5 sq.m. The draft design standards increase the area of lockups up to 6 sq.m.

The occupancy limit of SHIZO in the cell-type premises of IK-1 in Yagul is 93 people with the living space of 255.6 m<sup>2</sup> and 2.7 m<sup>2</sup> per inmate. The single-occupancy punitive isolation cell measured 3,6 m<sup>2</sup> is not used for accommodating prisoners.

When planning concepts are developed according to a standard design of conversion of a correctional colony into a general regime prison, the width of cells in the building of SHIZO is provided at least 2 metres.

Together with the Capital Construction Directorate of the UFSIN of Russia for the Republic of Tatarstan, the issue is being considered of examination of lockup premises in SIZO-1 in Kazan with the purpose of their subsequent replanning by means of pair-wise combining two adjacent cells.

**Clause No. 145 of the CPT Report:**

According to the daily routine approved by the Head of IK-1 in Yagul, outdoor exercises for sentenced prisoners held in SHIZO last 1 hour, for those held in cell-type rooms - 1.5 hours, physical exercises last 10 minutes. A horizontal bar for physical exercises is installed in every exercise yard.

The issue of improvement of outdoor exercise yards in the disciplinary unit is currently under consideration.

It is planned to take into account the judgments of ECHR and recommendations of the CPT when developing the new federal target programme.

**Clause No. 146 of the CPT Report:**

Sentenced prisoners committing systematic violations of the established order of serving their sentences are recognized, according to Article 116 of the Penal Code of the Russian Federation, to be malicious violators of the established order of serving their sentences and, according to Article 115 of the Penal Code of the Russian Federation, may be placed to cell-type rooms for a period up to 6 months, and, according to Article 122 of the Penal Code of the Russian Federation, are transferred to strict conditions of servicing their sentences.

The so-called “special detention area of Block 2” of T-2 in Vladimir mentioned in the CPT Report is not used as such. This is an ordinary (second) floor of the second security block, where ordinary cells are situated, including two SHIZO cells.

**Clause No. 147 of the CPT Report:**

Plans of individual educational activities are currently being implemented in correctional colonies in respect of 589 thousand sentenced prisoners serving their sentences under strict conditions of imprisonment.

The Ministry of Justice of Russia is currently considering a draft federal law on amendments to the Penal Code of the Russian Federation providing for the use of an individual correctional programme in educational work with sentenced prisoners.

On April 06, 2012, the FSIN of Russia prepared and sent to territorial agencies of the penal enforcement system a collection of basic standard programmes of psychological correction of prisoners’ personality.

Besides, since April 01, 2011, correctional establishments use the system of incentives encouraging law-abiding behaviour of convicts - the system of “social lifts”, which provides for a mechanism of changing the conditions of serving the sentence taking into account whether the convict’s behaviour meets established criteria.

The issue of resort to disciplinary sanctions in the form of placement to SHIZO of IK-1 in Yagul and transfer to the cell-type premises is considered by the disciplinary commission in the presence of the convict, with consideration of his/her written explanation. The decision to change the conditions of serving the sentence is taken by the administrative commission in the presence of the convict. The sentenced prisoner is made aware of all commission's decisions against his/her signature. According to Article 122 of the Penal Code of the Russian Federation, the transfer from strict conditions of imprisonment to general conditions is effected not earlier than in nine months subject to the absence of reprimands for violations of the established order of serving the punishment. There is no other regulatory documents governing the transfer from strict conditions of serving the punishment to general ones.

In T-2 in Vladimir the procedure of the resort to disciplinary sanctions against suspects, accused persons (in PFRSI) and sentenced prisoners (in a prison), in particular, in the form of their confinement in a lockup or a punitive isolation cell, is implemented in strict compliance with Articles 38-40 of Federal Law No. 103-FZ of July 15, 1995 and Articles 115-117 of the Penal Code of the Russian Federation. No violations of the procedure of imposing sanctions on suspects, accused persons and sentenced prisoners were detected either by prosecutors in charge of overseeing the PFRSI and the prison or the members of the public monitoring commission.

**Clause No. 148 of the CPT Report:**

In IK-1 in Yagul, the occupancy rates in the cells of SHIZO and PKT per one sentenced prisoner have been brought in compliance with Article 99 of the Penal Code of the Russian Federation.

In accordance with Order of the Ministry of Justice of Russia No. 512 of July 27, 2006 "On Approval of Nomenclature, Standards of Provision and Useful Lives of Furniture, Implements, Equipment and Household Articles (Property) for Establishments Executing Criminal Punishments in the Form of Deprivation of Liberty and Detention Facilities of the Penal Enforcement System", the cells of PKT are equipped with a folding metal bed, which is to be opened only for the period of sleep, since, in accordance with Order of the Ministry of Justice No. 205 of November 03, 2005 "On Approval of the Internal Rules of Conduct in Detention Facilities", in the cells of SHIZO and PKT bedding items are only given out for the period of sleep and sentenced prisoners are prohibited to use sleeping places during the time not intended for sleep without the authorization of the administration.

**Clause No. 149 of the CPT Report:**

According to Article 103 of the Penal Code of the Russian Federation, every person sentenced to imprisonment is obliged to work at the places and at the jobs determined by the administration of correctional establishments. The administration of correctional establishments is to involve sentenced prisoners in labour activities, taking into account their gender, age, ability to work, state of health and, as far as possible, profession, as well as based on the availability of jobs. Sentenced prisoners are involved in labour activities in the labour adaptation centers for convicts and production (labour) workshops of correctional facilities, at federal state unitary enterprises of the penal enforcement system and in the entities of other forms of incorporation situated on the territories of correctional establishments and (or) outside them subject to ensuring adequate safe-keeping and isolation of prisoners.

Due to this fact, the applicable laws do not prohibit to involve in labour activities sentenced prisoners held in SUON/SUS and PKT.

According to paragraph “b” of Part 3 of Article 123 of the Penal Code of the Russian Federation, sentenced prisoners serving their sentences in strict conditions in IK-1 in Yagul are accommodated in locked premises and they are allowed to have two short visits and one long visit within a year.

**Clause No. 150 of the CPT Report:**

When the CPT delegation visited SIZO-4 in Moscow, prisoner E.\* was held in the lockup-type premises (the area of the lockup-type cell is 6,28 m<sup>2</sup>). In accordance with Article 19 of Federal Law No. 103-FZ of July 15, 1995, due to the fact that there was a threat to his life and health (based on his application), the administration immediately took measures to ensure personal safety of this inmate.

Following the CPT’s recommendations made during the visit to SIZO-4 in Moscow, E.\* was transferred to cell No. 517 with the area of 15.14 m<sup>2</sup> equipped with 3 sleeping places (he was held there alone).

Throughout the entire period of detention in SIZO-4 in Moscow, E\* was provided with a sleeping place, the standard of living space was observed in respect of him.

On July 21, 2012, E.\* departed for further serving his sentence at the disposal of the UFSIN of Russia for the Vladimir Region.

In accordance with the instructions of the FSIN of Russia, convicts held in locked premises are visited by a psychologist at least once a week. If necessary, they become a subject of psycho-correctional work intended to increase their resilience to adverse psychological effects and factors, prevent suicidal behaviour, train them in self-regulation and self-control. If a suicidal risk is detected, the relevant information is immediately communicated to officers of interested services, who ensure enhanced supervision over such suspects, accused persons or convicts.

**Clause No. 151 of the CPT Report:**

On arrival to detention facilities, all newcomers (including those in transit) undergo initial medical examination in order to identify persons with transmissible diseases dangerous for surrounding persons, as well as sick persons in need of urgent medical aid. Special attention is paid to the availability of the external signs of skin, venereal, infectious and other diseases, head lice infestation, epidemiological anamnesis is collected.

The initial medical examination is carried out within the shortest possible time, before suspects, accused persons and sentenced prisoners are placed in multi-occupancy cells. The examination is performed by a doctor or feldsher in a specially equipped medical room of the collection unit of SIZO provided with a device for measuring blood pressure, phonendoscope, thermometers, spatulas for inspection of the oral cavity, reflector, weighing machines, height meter.

The convicts who have arrived in a correctional establishments are placed to an isolation quarantine unit for the period up to 15 days. On arrival, all sentenced prisoners undergo medical examination intended to identify infectious and parasitic diseases.

Within this period, they are subject to in-depth medical examination intended to identify available diseases and assess the state of health. During such examination the doctors collect anamnestic data on medical history (including epidemiological anamnesis), injuries and operations, which are registered in the out-patient medical record; additional examinations are prescribed, if necessary. X-ray or photofluorographic examination of intrathoracic organs is performed within the shortest possible time (not more than 2 weeks) unless there is information on such examination within the last 4 months.

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\* In accordance with Article 11, paragraph 3, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, certain names have been deleted.



If a person with bodily injuries has been delivered to the establishment, then, upon the initiative of the duty assistant to the head of the establishment (operational duty officer) or upon the application of the person suffering from bodily injuries, as well as if bodily injuries are detected during the examination, the medical professional (physician, feldsher) shall execute an act of an optional form. Said act shall be executed in two counterparts, one of which it to be attached to the medical record of the out-patient, and the other one shall be given to the suspect, accused person or convict against his/her personal signature on the first copy of the act.

The report on the fact of examination is submitted to the head of the establishment and the Prosecutor in charge of supervision of the establishment. The attachment of the act to the medical record of the out-patient shall be noted in the list of exact diagnosis on a mandatory basis.

As agreed with the medical practitioner who performs the survey of bodily injuries, other officers of the establishment without medical education may be present at the interview and examination of the victim and preparation of medical documentation or an act in order to ensure his/her safety.

In accordance with paragraph 46 of Order No. 640/190, in the panel system establishments, before suspects, accused persons and sentenced prisoners are placed to a single occupancy cell or lockup, punitive isolation cell, disciplinary isolation cell, cell-type rooms, single-space cell-type rooms, isolated premises with strict conditions of serving the punishment and after the decision of the punishment has been taken, the medical examination is to be conducted with a written conclusion of a doctor (feldsher) stating whether it is possible to hold the person in the above-mentioned premises.

**Clause No. 152 of the CPT Report:**

Vacant cell premises situated in security blocks serve as local centers at PFRSI T-2 in Vladimir and are intended for temporary accommodation for suspects, accused persons and sentenced prisoners during maintenance inspections in cells, search activities, elimination of shortcomings in the cell equipment for the period from 10 to 20 minutes.

**Clause No. 153 of the CPT Report:**

No facts of handcuffing prisoners to fixed objects (radiators) in IK-1 in Yagul have been established.

**Clause No. 154 of the CPT Report:**

In PFRSI of IK-1 in Yagul there are two interview rooms equipped with blocking bars that partition the prisoner off the rest of the room. This bar is only used to ensure the safety of lawyers and investigators, as well as other persons at their request since most of them are women. Interview rooms are equipped in accordance with Order of the Ministry of Justice of the Russian Federation No. 279 of September 04, 2006 "On Approval of the Instruction on Equipping Facilities of Penal Enforcement System with Security and Supervision Equipment".

In accordance with requirements of paragraph 23 of this Order, "interview rooms are equipped with metal lattice partitions from floor to ceiling made of vertical steel rods with the diameter of at least 15 mm and horizontal bars with cross-section of 60x5 mm, the size of cells is 200x100 mm, which partition the place intended for the placement of the interrogated person off the rest of the room space. In the partition there will be a door equipped with a lock of a cell type. Interview rooms are made soundproof. All the furniture is firmly fixed to the floor. Metal bars are installed in window apertures."

In SIZO-4 in Moscow there are 12 interview rooms for visits. These rooms are not equipped with bars (cages).

Bars (cages) are not used in the rooms for interviewing suspects and accused persons by investigators in the establishments of the UFSIN of Russia for Saint Petersburg and the Leningrad Region, as well as in T-2 in Vladimir.

**Clause No. 155 of the CPT Report:**

In accordance with the provisions of Federal Law No. 103-FZ of July 15, 1995 “On detention in custody of suspects and individuals charged with criminal offenses” suspects and accused persons are held in places of detention in custody under the guard and supervision and move in the territories of such places under escort or accompanied by officers of places of detention in custody. Audio and video equipment may be used for supervision purposes.

At their arrival at a pre-trial detention establishment, all persons detained in custody are made aware with the internal rules of conduct in pre-trial detention establishments, including the rules pertaining to video surveillance in the establishment; they are informed about their rights and responsibilities.

Virtually every establishment has a video archive with the retention period of 30 days.

**Clause No. 156 of the CPT Report:**

4 suicides of sentenced prisoners were registered in T-2 in Vladimir in 2011 and 2012.

These suicides were caused by personal problems of the prisoners (rupture of relations with loved ones, the loss of meaning in life caused by their death or serious illness, fear of long period of imprisonment).

The same reasons are also named as the main ones by the World Health Organization.

The staff of T-2 in Vladimir and, first and foremost, psychologists of the psychological laboratory make efforts to prevent prisoners’ suicidal intents.

**Clause No. 157 of the CPT Report:**

Establishments and agencies of the FSIN of Russia consider appeals of convicts in accordance with Federal Law of the Russian Federation No. 59-FZ of May 02, 2006 “On Procedures for Examining Appeals and Addresses from Citizens of the Russian Federation”.

In accordance with Order of the Ministry of Justice of the Russian Federation No. 205 of November 03, 2005 “On Approval of the Internal Rules of Conduct in Correctional Establishments”, all information on crimes is registered and sent to prosecution agencies and relevant investigative agencies in accordance with the Code of Criminal Procedure of the Russian Federation.