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Meeting: 1340th meeting (March 2019) (DH)

Item reference: Action plan (25/02/2019)

Communication from the Russian Federation concerning the case of BUNTOV v. Russia (Application No. 27026/10)

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Réunion : 1340^e réunion (mars 2019) (DH)

Référence du point : Plan d'action

Communication de la Fédération de Russie concernant l'affaire BUNTOV c. Russie (Requête n° 27026/10)
(anglais uniquement)

DGI

25 FEV. 2019

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

ACTION PLAN
on the execution of the judgment
of the European Court of Human Rights
in case no. 27026/10 *Buntov v. Russia*
(judgment of 5 June 2012, became final on 5 September 2012)

Violation

In its judgment in the case of *Buntov v. Russia* the European Court established a violation by the Russian Government of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms in connection with tortures applied to the applicant serving his prison term in the correctional colony IK-1 of the UFSIN (the Directorate of the Federal Service for the Execution of Punishments) of Russia for the Tula Region and failure to conduct effective investigation of this fact.

For the purposes of execution of the said judgment, the Russian Government have undertaken a number of individual and general measures of which the CMCE was duly informed (DH-DD(2013)934); DH-DD(2016)1083); DH-DD(2016)1256).

An updated Action Plan of the Russian Government is submitted below.

Individual Measures:

1. Just Satisfaction

Just satisfaction awarded to V.M.Buntov was paid to the applicant in due time and in full on 16 November 2012, in roubles at the exchange rate of the Bank of Russia as of the date of payment (payment order no. 672559 for RUB 2,248,180.95).

2. The Court, having held that the applicant had been subjected to torture and ill-treatment, based its conclusions on the applicant's arguments (though it found them quite inconsistent), as the Russian Government failed to ensure an effective investigation (and failed to institute criminal proceedings on account of ill-treatment of the applicant) and to establish the circumstances of the case.

2.1. As it was reported in detail earlier, the Investigation Department of the Investigative Committee of the Russian Federation for the Tula Region instituted criminal proceedings on account of ill-treatment of V.M. Buntov in the correctional colony IK-1 and conducted new investigation, in view of the conclusions made by the European Court. No compelling evidence of the use by correctional facility officers or inmates of violence against V.M. Buntov has been found. However, it was established in the course of the investigation that the injuries were self-inflicted by the applicant. In view of the above, the criminal proceedings were discontinued on 17 March 2016 for a lack of *corpus delicti*.

The procedural decision to discontinue the investigation was verified by the Prosecutor General's Office and the Investigative Committee and found to be lawful and justified.

2.2. In the course of the investigation, the investigative bodies took security measures in respect of V.M.Buntov as provided for by the Code of Criminal Procedure of the Russian Federation and the Federal Law *On State Protection of Victims, Witnesses and Other Participants of Criminal Proceedings*.

In particular, in order to avoid any risk of ill-treatment of the applicant, he was transferred to another correctional facility in the Perm Territory (IK-2 of UFSIN of Russia for the Perm Territory, hereinafter "IK-12") for further serving his sentence. This facility is located in another region and is not in any way connected to the facility where V.M.Buntov had earlier served his sentence and where the incident that has given rise to institution and investigation of the aforementioned criminal case into the applicant's ill-treatment took place.

While being in the aforementioned institution, the applicant complained that he had been again subjected to ill-treatment, now in IK-12.

The issues related to V.M.Buntov's complaints of ill-treatment in IK-12 were the subject of the Court's examination in application no. 25327/11 *Buntov v. Russia*.

The Russian Government provided detailed observations to the Court concerning this case. Among other things, they informed of the following:

On 4 March 2005, based on V.M.Buntov's statement about his ill-treatment by IK-12 officers, criminal proceedings were initiated, and effective investigation was conducted in line with the Convention standards.

The investigation established that multiple blows were really inflicted on V.M.Buntov, but those blows were inflicted not by the correctional facility officers but by other convicts, and as per the applicant's own request. This conclusion is based on numerous and coinciding evidence including witnesses' statements, video recordings from surveillance cameras, results of examinations on lie detector, molecular-genetic and commission medical forensic examinations reports, etc.

Convict Z., questioned as a witness, testified that he, while being in the premises of the sports club, upon V.M.Buntov's request, had inflicted on the latter multiple blows with a rubber hose (prepared in advance by V.M.Buntov) and a stick-type object with woven structure. He also submitted that V.M.Buntov himself pointed to him to the parts of his body where the blows had to be inflicted, and after that he handed over to Z. a mobile phone asking to make photos of the formed bodily injuries. During taking of the photos V.M.Buntov posed with a naked torso and told to the camera that checks into his applications had not been conducted for a long time. Z. maintained his statements during the face-to-face confrontation with V.M.Buntov.

The investigation also established that the officials of the correctional colony who were named by V.M.Buntov as the perpetrators inflicting on him the bodily injuries had an absolute alibi and could not in any way be involved in the incident. This is confirmed by multiple witnesses' evidence, video surveillance camera recordings and is fully consistent with the results of the conducted expert examinations.

In view of the above, the criminal proceedings were discontinued on 4 November 2015 for a lack of *corpus delicti*.

As V.M.Buntov's actions had the signs of knowingly false denunciation of a serious crime and deliberate creation of the prosecution's evidence, for these actions he was brought to criminal liability under Article 306 § 3 of the Criminal Code of the Russian Federation. By the final court judgment of 5 April 2017 he was found guilty of a commission of this crime.

The investigation file accompanied by necessary comments was submitted for examination by the ECHR within the proceedings under applicant's application no. 25327/11 *Buntov v. Russia*.

On 8 September 2016, the Court, having examined the respective files submitted by the Russian Government and V.M.Buntov's arguments, found the applicant's application manifestly ill-founded, without finding any violation of the Convention provisions committed against V.M.Buntov by the Government of the Russian Federation.

Thus, the investigations conducted on the ground of V.M.Buntov's allegations of his ill-treatment demonstrated that the applicant was abusing the right to apply to the Court providing unreliable evidence to the latter.

3. In connection with the violations found in respect of the applicant, the European Court has recovered a compensation for non-pecuniary damage which, as noted above, was fully paid to him within the stipulated time period.

General Measures:

4. First of all, attention is focused on the fact that the European Court based its findings on the applicant's submissions (though it did find them quite controversial), because, as noted, the Russian Government have not conducted effective investigation and have not established the circumstances of the events.

In the light of the aforementioned the violations established by the European Court are of individual character and related to improper observation of the law by some particular persons.

During the period after delivering of the said judgment of the Court, no other judgments were delivered finding violations of the Convention provisions in connection with tortures and other ill-treatment in the institutions of the penal system (hereinafter, "the PES") and failure to conduct effective investigation based on the respective facts.

5. At the same time, it is noted that adequate legal and organisational guarantees against tortures and other ill-treatment in detention facilities, and for providing effective investigation of the facts of the relevant violations have been created in the Russian Federation.

These guarantees have been considerably improved after the events which took place in January – February 2010 and which have become the subject of examination by the European Court, the fact that is expected to favour the prevention of similar violations in the future. In this regard, the following is noted:

6. In the Russian Federation every citizen including the individuals who are serving their punishment in detention facilities are **guaranteed the right to liberty and security of person. The ban on use of torture, violence and other ill-treatment or degrading treatment or punishment has been established.**¹

7. **An important guarantee against tortures is a provision of immediate registration of applications (statements) concerning tortures and other ill-treatment.**

¹Article 22 of the Constitution of the Russian Federation, Article 12 § 2 of the Penal Execution Code of the Russian Federation "(the PEC RF)".

Persons convicted to deprivation of liberty who are subjected to tortures and other ill-treatment may apply to competent state authorities with statements about these crimes².

Such statement is obligatorily registered and an investigation is carried out on the basis of such statement in the procedure prescribed by law (pre-investigation inspection and/or investigation of a criminal case).

According to the general rule, reports on crimes can be submitted orally (reflected in the respective record) or in writing and are subject to registration in the registers of information about crimes³.

Reports on crimes are examined in the procedure prescribed by the Code of Criminal Procedure of the Russian Federation (hereinafter, "the CCrP RF").⁴

7.1. The procedure of acceptance, registration and examination of statements about crimes and incidents *in the penal execution system authorities* is regulated by a special order of the Ministry of Justice of the Russian Federation⁵.

In 2013 and 2016 amendments were made to this order aimed at expansion of the list of persons who can accept statements about crimes and persons who shall be obligatorily notified about any offence or criminal incident in a correctional facility, with a view of prompt taking measures for registration of the respective statements and sending them in accordance with the jurisdiction, organisation and protection of the rights of a citizen, as well as for conducting necessary internal inspections. In addition, amendments were made to the Register of information about incidents that more precisely determine the full list of the information subject to registration.

Pursuant to the aforementioned order, statements about crimes and incidents shall be received in institutions and authorities of the PES round the clock, including on weekends and holidays, by operative duty officers or other specially authorised persons. The received and recorded information about crimes is immediately reported to the head of the correctional facility (the head of the PES institution) or his/her deputy.

Refusal to record a report on a crime may be challenged with the head of an investigation body, prosecutor or court in the procedure stipulated by Articles 124, 125 of the CCrP RF.

Moreover, internal inspections are carried out based on the fact of alleged violations committed by the PES officers, including initiating criminal proceedings against the relevant officers of the penitentiary institution⁶. The head of the FSIN of Russia gave to its territorial bodies and subordinate institutions a number of instructive orders aimed at strict compliance with the aforementioned order.

In compliance with the Internal Regulations in Correctional Facilities approved by order of the Ministry of Justice of Russia no. 295 of 16 December 2016 (as amended on 28 December 2017) convicts are entitled to make statements regarding tortures and other ill-

² Article 12 § 4 and Article 15 of the PEC RF, Article 141 of the Code of Criminal Procedure of the Russian Federation (hereinafter, "the CCrP RF").

³ Article 141 of the CCrP RF.

⁴ Articles 141-145 of the CCrP RF.

⁵ Order of the Ministry of Justice of the Russian Federation no.250 of 11 July 2006 (as amended on 15.08.2016) On Approval of the Instruction of Acceptance, Registration and Examination in the Facilities and Authorities of the Penal Execution System of Statements about Crimes and Incidents

⁶ Instruction on Organisation and Carrying out Internal Inspections in the Facilities and Agencies of the Penal Execution System, approved by the FSIN order of 12 April 2012 no. 198. (as amended on 13.08.2013)

treatment during a personal interview/meeting as well. Such interviews/meetings are organised on a regular basis in correctional facilities by an administration of the respective facilities (in accordance with schedule) as well as by the heads of the Federal Service on the Execution of Punishments and its territorial bodies, prosecution authorities, representatives of other state authorities and public organisations that supervise the activities of correctional facilities and PES bodies. Applications, petitions and complaints submitted during a personal meeting are registered in the Logbook of Receiving Convicts on Personal Issues.

The aforementioned Internal Regulations in Correctional Facilities provide for additional guarantees for persons who have no funds to send a complaint by post. It is envisaged, that if there are no funds in the convict's personal account his/her statements and complaints shall be posted at the correctional facility's expense.

7.2. Investigative bodies (investigation divisions) of the system of the Investigative Committee of the Russian Federation (hereinafter, "the Russian Investigative Committee") *have a unified procedure for receiving, registering, and inquiring into reports on crimes*⁷.

A report on a crime received by the Investigative Committee, regardless of the completeness of data contained in it and its jurisdiction, should be obligatorily received in all the investigative bodies of the Russian Investigative Committee and are received by investigators on duty in the investigative bodies of the Russian Investigative Committee round the clock⁸.

A report about a crime may be submitted in oral or written form. It may be made in the process of conducting investigative actions or documented as a report (if the applicant cannot be present during drawing up of an investigative action report). A report about a crime may be also received from other sources, including statements of state and other organisations (in particular, it may be submitted from prosecution authorities, correctional and medical institutions, etc.).

Reports on crimes are received 24 hours a day by investigators on duty in investigative bodies of the Investigation Committee, the head of an investigation body or its deputy.

A person who has received a report on a crime gives to the applicant's written notice a certificate-notification on the receipt and registration of the report on a crime indicating the time and date of its receipt, the registration number and data on the receiver.

If a report on a crime is received from another source, including complaints or petitions of citizens, an official who has received such a report shall draw up a report on finding elements of a crime⁹.

Every received report on a crime is without delay registered in the Crime Notification Logbook. The book shall contain information on the numerical order of the report, date and time of its receipt, data on the applicant, data on the official who has received the

⁷Instruction on the Organisation of the Reception, Registration and Inquiries into Reports on Crimes in the Investigative Bodies (investigation divisions) of the System of the Investigative Committee of the Russian Federation adopted by order of the Russian Investigative Committee on 11 October 2012, no. 72.

⁸ §§ of the Instruction on the Organisation of the Reception, Registration and Inquiry of Reports on Crimes in the Investigation Bodies (Investigation Divisions) of the System of the Russian Investigation Committee adopted by order of the Russian Investigation Committee no. 72 of 11.10.2012.

⁹ Article 143 of the CCRP RF.

report, the registration number of a certificate-notification, data on a person who is instructed to check the report, data on the procedural decision made and on the results of its inquiry as well as other data important for organizing proper procedural control.

An unjustified refusal to receive and register a report on a crime is not allowed.

7.3. Convicts and their representatives may address claims of tortures and other ill-treatment to prosecutor's offices, and these claims shall be **accepted and examined strictly in accordance with the prescribed procedure** established by the criminal and procedural legislation and a special instruction¹⁰.

Petitions of convicts, including claims of crimes received by prosecutor's offices are subject to obligatory examination in accordance with the prescribed procedure¹¹ and not subject to censorship¹².

Reports on crimes received by prosecutor's offices by mail or other means of communication are immediately recorded in the Crime Notification Logbook in accordance with the special template and reports are without delay submitted to bodies conducting inquiries or preliminary investigation.

On 28 December 2016, the Prosecutor General's Office issued Order no. 826¹³ that focuses prosecutors' attention on the fact that if reports received on tortures or other ill-treatment contain sufficient data indicating essential elements of ill-treatment, prosecutors are obliged to immediately forward them to the respective investigation divisions for inquiry in exercise of Articles 144-145 of the Code of Criminal Procedure of the Russian Federation.

Prosecutors are obliged to notify the convict sentenced to imprisonment of a decision made on the claim that contained data on a crime which has been committed or is under preparation. The notification is made in written form indicating the name and address of the inquiry or preliminary investigation body to which the statement of a crime was forwarded for inquiry.

Along with that, the aforementioned order no. 826 prescribes to prosecutors to regularly check lawfulness of actions and decisions of investigative bodies in the course of pre-trial proceedings during acceptance, registration and resolution of reports on crimes. For these purposes, in compliance with the order of the prosecutor's office, at least once a month visits to subordinate investigative bodies are effected where data contained in crime notification logbooks are checked against the total registration of citizens' petitions, against other reporting and registration documents, incidents reports drawn up by the bodies of the interior, publications in the media, data from medical and other institutions and organizations, as well as against information that has been provided directly to prosecutors' offices by, *inter alia*, citizens.

¹⁰ Order of the Prosecutor General's Office of the Russian Federation no. 212 of 27 December 2007 On the Procedure of Registration and Examination of Reports on Crimes in Prosecutor's Offices.

¹¹ Federal Law no. 59-FZ of 02.05.2006 (as amended on 27.12.2018) On the Order of Considering Petitions of Citizens of the Russian Federation, decision of Prosecutor General of the Russian Federation no. 45 of 17.12.2007 (as amended on 21.09.2018) On Implementation of Instruction on the Procedure of Consideration of Petitions and Reception of Citizens in the Prosecutor's Offices of the Russian Federation.

¹² Article 15 § 4 of the PEC RF.

¹³ Order of the General Prosecutor's Office no. 826 of 28 December On Organization of the Prosecutor's Supervision over the Procedural Activity of Preliminary Investigation Bodies.

If any violations of the procedure of acceptance, registration and resolution of reports on crimes are detected, prosecutors take prosecutor's measures for elimination of the violations found and on bringing guilty persons to liability including criminal liability. Thus, in 2018 the prosecution authorities found over 3,730 mln violations during receipt, registration and examination of reports on crimes, including about 1.42 mln violations in the process of investigation and inquiry. For the purposes of elimination of the committed violations, about 134,000 claims, submissions and information letters from prosecutors were sent, requesting elimination of violations of the law, which were examined and granted; the violations were eliminated; over 118,600 officials were brought to disciplinary liability. Based on the materials sent by the prosecutor in the course of execution of prosecutor's powers at the pre-trial stage of criminal proceedings¹⁴, over 4.7 thousand criminal cases were initiated.

8. Access to a lawyer is an important guarantee against tortures and other ill-treatment.

8.1. In compliance with the existing law of criminal procedure convicts are entitled to exercise their rights in the criminal proceedings personally or through their representative (lawyer)¹⁵.

It is also provided in the criminal and penal legislation that to receive legal assistance convicts may use the services of a lawyer and other persons entitled to provide such assistance¹⁶.

The Internal Regulations in Correctional Facilities¹⁷, approved on 16 December 2016, provide convicts with meetings with lawyers or other persons entitled to render legal assistance, without limitation of their number.

8.2. If a person suffered from tortures or other ill-treatment, he or she in compliance with the existing law of criminal procedure is considered a victim because as a result of unlawful actions he or she suffered physical and moral damage and is provided with a range of respective procedural rights, including the right to have a representative, who can be a lawyer¹⁸.

The right to receive qualified legal assistance at the preliminary investigation stage is also set out in Article 144 § 1.1 of the Code of Criminal Procedure of the Russian Federation. At the same time it is specifically underlined that any participant of criminal proceedings may exercise the right to use services of a lawyer.

Upon the request of a convict meetings are organised in private, out of hearing and sight of third parties and without technical means of wiretapping¹⁹.

8.3. The higher courts of the Russian Federation gave a number of meaningful explanations on issues related to ensuring a convict's right to access to a lawyer or other

¹⁴ Article 37 § 2 of the CCrP RF.

¹⁵ Article 45 of the CCrP RF.

¹⁶ Article 12 § 8 of the PEC RF.

¹⁷ Article 89 § 4 of the PEC RF. 79, of the Internal Regulations in Correctional Facilities approved by order of the Ministry of Justice of the Russian Federation no. 295 of 16.12.2016 (as amended on 28.12.2017)

¹⁸ Article Article 42 § 2 (8), Article 45 § 1 of the CCrP RF.

¹⁹ Article 89 § 4 of the PEC RF, § 83 of the Internal Regulations in Correctional Facilities approved by order of the Ministry of Justice of the Russian Federation no. 295 of 16.12.2016 (as amended on 28.12.2017).

person who is entitled to provide legal assistance, for the purpose of protection of the violated rights.

Thus, the Constitutional Court [of the Russian Federation] in its rulings no. 2015-O of 17 July 2018, no. 2200-O of 27 September 2018 clearly points out that the aforementioned provisions of the PEC RF provide for the possibility of meetings of persons convicted to deprivation of liberty with lawyers and other persons entitled to render legal assistance, for the purposes of exercising by the convicts of their Constitutional right to benefit from qualified legal assistance (without any limitations on the number of such meetings). As indicated, the aforementioned legislative provisions do not set any requirements to the level of education of a person who is entitled to rendering legal assistance to a convict. Consequently, courts when examining complaints lodged by convicts and their representatives against refusal to provide such meetings should establish and access the factual circumstances, find out whether a meeting (including a meeting of a human rights organization with a convict) was organized for legal assistance purposes.

The Supreme Court of the Russian Federation demonstrated similar approaches in its ruling no. 41-KG18-12 of 1 August 2018 and cassational ruling no. 5-KG18-74 of 29 August 2018, as well as in review of the practice of the Supreme Court of the Russian Federation no. 3 for 2018.

As follows from the aforementioned documents of the Supreme Court of the Russian Federation, this court unalterably (inter alia, referring to the legal positions of the Constitutional Court) quashes lower courts' decisions which found lawful, based on formal grounds, refusals to provide convicts with meetings with other persons entitled to provide legal assistance.

9. Great importance is given to ensuring the right of a person who has been subjected to tortures and other kinds of ill-treatment to obtain access to a doctor.

9.1. In compliance with the existing Russian legislation²⁰ every person has a right to health protection and medical assistance. This right is guaranteed to convicts, including persons convicted to imprisonment and serving their sentences in penitentiary institutions.

Convicts have rights to medical examination and medical expertise.

Convicts may ask for medical assistance at any moment, including when damage to their health was caused by tortures and other cruel treatment.

9.2. Convicts are guaranteed the implementation of the patient confidentiality principle except for cases expressly established by the law.²¹

If there are grounds to believe that a citizen has suffered bodily harm due to unlawful actions, data containing patient confidentiality may be provided in accordance with the established procedure to inquiry and investigation bodies to organise and conduct preliminary investigation.

9.3 The Ministry of Justice of Russia by its order no. 285 of 28 December 2017 approve the new Procedure for Organization of Provision of Medical Assistance to

²⁰ Article 41 of the Constitution of the Russian Federation; Articles 4, 26, 37, 62, 65 and 80 of Federal law no. 323-FZ of 21 November 2011 (as amended on 27.12.2018) *On Fundamentals of Citizens' Health Protection*; Article 12 § 6 of the PEC RF. Articles 13, 22, 26, 58, 62, and 65 of Federal law no. 323-FZ of 21.11.2011 (as amended on 27.12.2018) *On Fundamentals of Citizens' Health Protection in the Russian Federation* (hereinafter, "FZ no. 323")

Persons Remanded in Custody or Serving their Punishment in the Form of Deprivation of Liberty (hereinafter, "Regulation no. 285").²²

Organization and providing medical assistance to convicts shall be conducted in accordance with the said Regulations and in compliance with the Internal Regulations in Correctional Facilities approved by order of the Ministry of Justice of the Russian Federation no. 295 of 16 December 2016 (hereinafter, "Regulations no. 295")²³.

The aforementioned laws and regulations, in the context of the aforementioned provisions of federal laws, in particular provide for the following:

- Medical assistance is provided to convicts by structural units (branches) of medical organizations controlled by and subordinate to the FSIN of Russia, and if it is impossible to provide medical assistance in PES medical organizations - in other medical organizations of state and municipal healthcare system. If a convict's state of health so requires, calling to a PES institution a medical worker or ambulance crew is also envisaged.

Medical assistance can be provided both in outpatient and inpatient facilities depending on the medical opinion²⁴.

Convicts also have the right to invite medical specialists from medical organizations for consultations (if such consultations are needed on medical indications and cannot be provided in the aforementioned medical institutions) in accordance with the procedure determined by the Resolution of the Government of the Russian Federation,²⁵ at the expense of federal budget²⁶.

- PES medical organizations and general healthcare medical organizations inform each other on reciprocal basis on the state of health of and medical assistance rendered to convicted persons, taking into account the requirements established by the legislation of the Russian Federation in respect of preservation of medical secrets.

- Healthcare institutions, medical officers and pharmaceutical officers are responsible in compliance with the legislation of the Russian Federation for violation of rights in the health protection sphere, non-provision of medical assistance, harm to life and/or health while providing medical assistance to citizens.²⁷

- Visual examination of convicts shall be effected when they are brought to a PES institution as well as daily during cells inspection or in the medical unit (medical room) as well as mandatory before transfer of convicts to other institutions or to special premises in connection with applying disciplinary measures. A convicted person may at any time apply for medical assistance to a medical worker or to any duty officer of the PES institution, who shall be obliged to ensure provision of the necessary medical assistance.

²²The Procedure for Organisation of Provision of Medical Assistance to Persons Remanded in Custody or Serving their Punishment in the Form of Deprivation of Liberty, approved by order of the Ministry of Justice of Russia no. 285 of 28 December 2017

²³The Internal Regulations in Correctional Facilities approved by order of the Ministry of Justice of the Russian Federation no. 295 of 16.12.2016 (as amended on 28.12.2017)

²⁴Article 12 § 6 of the PEC RF.

²⁵Resolution of the Government of the Russian Federation No 1466 of 28.12.2012 On Approval of Rules of Providing Medical Assistance to Persons Held in Detention or Serving Sentence in Penitentiary Facilities in State or Municipal Medical Organisations as well as Inviting Doctors-Specialists of the Above-Mentioned Medical Organisations for Consultations in Case of the Inability of Medical Assistance in Criminal and Penal Institutions.

²⁶Article 26 § 3 of Federal law no. 323-FZ *On Fundamentals of Citizens' Health Protection in the Russian Federation*.

²⁷Article 98 of FZ no. 323.

• If it is found that a convict has suffered from any bodily injuries, maiming and poisonings, the medical worker:

- shall provide to him/her necessary adequate medical assistance, make the respective entries in the outpatient medical record;

- shall inform the head of the facility or a person replacing him/her of the fact of the discovered injuries in writing and they shall provide for registration of the fact about bodily injuries in the Logbook for registration of statements about crimes, in accordance with the special form, as well as provide for checking compliance with the provisions of the CCrP RF²⁸.

- a report on medical examination in view of discovering bodily injuries, maiming and poisonings shall be drawn up in accordance with the special form; the form template is enclosed with the aforementioned Regulations no. 285.²⁹

The report on medical examination in view of discovering bodily injuries, maiming and poisonings shall be made in three copies. One copy is enclosed with the patient's medical documentations, the second copy shall be handed over to the convicted person against his/her signature on the first copy, the third copy shall be handed over to the duty assistant of the head of the PES institution, against his/her signature on the first copy of the report for attachment to the personal file.

The fact of discovering of any bodily injuries, maiming and poisonings shall be recorded in the special Logbook for recording bodily injuries, maiming and poisonings and in the Logbook of registration of patients to whom medical assistance is provided in outpatient conditions (the samples thereof are enclosed with Regulations no. 285) as well as in the patient's medical documentation.

If any additional examinations and consultations with doctors of particular specialities/medical professions are required in order to establish existence of bodily injuries, maiming and poisonings, the said examinations and consultations shall be appointed by the medical worker.

9.4. By way of execution of the Instructive Order of the Head of the Federal Service for Execution of Punishment of Russia of 4 March 2013, permanent control is established over the full and reliable inclusion into convicts' medical documents of information on their health, medical examination, date and time of its conduct, administrations and other manipulations conducted in respect of a suspect, accused and convict after use of physical force and special means, existing illnesses and administrated treatment. This provides for additional guarantee against tortures and other ill-treatment.

9.5. A convict alleging that he or she was subjected to ill-treatment is entitled to require a medical examination at the initial stage.

Article 144 of the Code of Criminal Procedure of the Russian Federation provides for the possibility to carry out examinations, including medical forensic examination, and collect samples for a comparative examination before initiation of a criminal case.

This is essential in terms of access of detainees to a doctor and recording by the competent specialist of the inflicted bodily injuries. They will let the investigators, within pre-investigation inquiries into statements and reports on use of tortures in penal

²⁸ § 7 of Rules no. 295

²⁹ § 14 of Regulations no. 285.

institutions, to duly and comprehensively conduct medical examinations by a person or persons having special knowledge and warned about criminal liability for providing false opinions.

Such examinations are performed according to the standard procedure provided for by Chapter 27 of the Code of Criminal Procedure of the Russian Federation that lets the victims and the witnesses, in whose relation the examination is being conducted, study the decision on its appointment, file an objection to the expert or lodge a motion on performance of a forensic investigation at another expert institution, etc.

According to Article 195 of the Code of Criminal Procedure of the Russian Federation the investigator shall appoint an examination either on his/her own initiative or upon the motion of the participants of the criminal proceedings in case he/she considers it necessary.

At the same time, according to Article 196 of the Code of Criminal Procedure of the Russian Federation, in cases when harm to a person's health was inflicted due to tortures or other cruel treatment, the investigator shall be obliged to appoint an examination.

The Code of Criminal Procedure of the Russian Federation also obliges the preliminary investigation body to grant a motion of the defence or of the victim on performance of additional or repeated forensic examination, if such motion is filed after initiation of the criminal proceedings.

9.6. Plenary Resolution of the Supreme Court [of the Russian Federation] no. 47 of 25 December 2018³⁰ explained to the courts that:

- during examination of administrative cases related to a failure to provide or inadequate provision of medical assistance to a person deprived of liberty, the courts, in view of the Constitutional right to health protection and medical assistance, should take into account the laws on citizens' health protection, as well as proceed from the fact that the quality of the necessary medical assistance provided in detention facilities should be on an adequate level, taking into account the regime established in such detention facilities and comply with the procedures for providing medical assistance mandatory for compliance in the territory of the Russian Federation by all medical organisations, as well as comply with the medical assistance standards;
- the court, while assessing compliance of the medical assistance to persons deprived of liberty with the established requirements, taking into account the principles of citizens' health protection, may take into consideration, among other things, accessibility of such assistance, its timely provision, correctness of diagnosis, suitability of the provided medical assistance to the state of health, directional treatment-and-prophylactic property, the patient's awareness, recording in documents, medical workers' professional competency;
- It should be taken into consideration that the state of health of the person deprived of liberty cannot in itself serve as the evidence of the quality of the medical assistance rendered to such person. Such documents as e.g. medical examination reports and other medical documents may serve as proof of proper exercising of the right to

³⁰ Plenary Resolution of the Supreme Court [of the Russian Federation] no. 47 of 25 December 2018 "On Some Issues Arising with Courts during Examination of Administrative Cases Related to Violation of Detention Conditions for Persons Kept in Detention Facilities".

medical assistance, *including the right to medical examination (also in cases when physical coercion measures were used in respect of a person deprived of liberty)*. Absence of data on necessary medical examination and/or medical research conducted may evidence violation of the conditions of detention of persons deprived of liberty (Article 24 of Federal Law no. 103-FZ of 15 July 1995 *On Detention of Suspects and Persons Accused of Commission of Crimes*, Article 84 of the Code of Administrative Procedure of the Russian Federation).

10. One of the effective guarantees for protection of the rights of persons allegedly subjected to tortures and other ill-treatment is ensuring such persons' personal safety.

10.1. If there is any danger to personal safety of a convict, he or she is entitled to address any officer of his or her penitentiary facility with the respective statement and the officer should immediately take an action to ensure the safety of the convict who has contacted him.³¹

Such safety measures are not connected with the procedural status of a convict and the reason for their implementation is existence of a real or presumptive danger on the part of other convicts or penitentiary facility's officers.

In this case safety measures may be applied both to a convict asking for protection (transfer to a safe place) and to persons being a threat (educational and enforcement measures).

If a convict takes part in criminal proceedings, safety measures in relation to him or her are taken by the head of the facility of body enforcing the punishment on the basis of a motivated decision (ruling) of a court, prosecutor, investigator, inquiry body or an inquiry officer.³²

10.2. The procedure of such measures is regulated by Federal law no. 119-FZ of 20 August 2004 *On State Protection of Victims, Witnesses and other Participants of Criminal Proceedings*.

• Articles 6 and 14 of the above-mentioned law state a number of measures aimed at ensuring the safety of a convict, including:

- temporary transfer to a safe place;
- additional safety measures to a protected person in the penitentiary facility, including transfer from one place of imprisonment to another.
- placement of a protected person and a person who is a threat to different places of detention and imprisonment, including in different Russian regions while they are arrested, detained and given a criminal sentence;
- separate keeping of a protected person and a person who is a threat;
- modification of a punitive measure with regard to a protected person in accordance with the procedure set out in the law of criminal procedure of the Russian Federation.

Safety measures in relation to a convict may also be taken upon the initiative of the head of the facility.³³

³¹ Article 13 § 1 of the PEC RF.

³² Article 13 § 4 of the PEC RF.

³³ Article 13 of the PEC RF.

- In November 2017 amendments and supplements were made to Federal Law no 119-FZ of 20 August 2004 (to Articles 16, 18, 20, 23, 24), which stipulated in greater detail the grounds and procedure of application of safety measures, including in the part concerning written recording of the wishes of the person in respect of whom the issue of application, (full or partial) prolongation, (full or partial) cancellation of such measures is being examined, on providing a reasoned petition and all necessary materials to the body taking the respective decision, etc.

10.3. The regulations of the federal legislation on application of measures for protection of convicts' personal safety are also reflected in the Internal Regulations in Correctional Facilities that in detail regulate the procedure for transferring a convict to a safe place.³⁴

11. One of the essential guarantees against torture and other ill-treatment is ensuring effective investigation of criminal cases of the relevant category

11.1. Pursuant to the Russian legislation, criminal investigation of the crimes committed in the facilities of the Penal Execution System, is the responsibility of an absolutely independent body – the Investigative Committee of the Russian Federation³⁵.

11.2. As reported earlier, by his order of 18 April 2012 the Chairman of the Investigative Committee of the Russian Federation (hereinafter, “the Investigative Committee of Russia”) provided for the establishment of the special departments for investigating the facts of torture and other ill-treatment by the law-enforcement bodies' officers. The order applies to the investigation of the facts of torture and ill-treatment by the officers of the Penal Enforcement System (UIS).

By way of execution of this order, in a number of investigation departments investigation of such cases is conducted only by officers who have the respective professional experience in this sphere and are included in the permanent groups, or by investigators of divisions who deal with investigation of crimes committed by law enforcement officers.

Many investigation divisions have domain-specific procedural supervision principle, proceeding from which supervision over checking into reports and investigation of criminal cases is effected by a particular inspector of the specific subdivision. Inspection materials and criminal case-files are regularly analysed in the departments' administrative offices.

At that, the investigators cooperate with the bodies, conducting operational search activities, in order to solve the crimes of the category under consideration completely and without undue delay. The operations support of many investigations of the mentioned criminal cases is provided by the subdivisions of the Federal Security Service (FSB) of the Russian Federation.

11.3. According to the Investigative Committee of Russia checking of reports and statements on using tortures and other ill-treatment and investigation of criminal cases of this category should be conducted by the most qualified investigators or deputy heads of

³⁴ Section XXVII of the Internal Regulations in Correctional Facilities, approved by Order of the Ministry of Justice of Russia no. 295 of 16.12.2016.

³⁵ Articles 1, 6 of Federal Law of December 28, 2010 no. 403-FZ *On the Investigative Committee of the Russian Federation*; Article 151 § 2 (1) of the CCrP RF.

investigative bodies. Investigators are directed by the central administration to effect careful elaboration of the preliminary stage of procedural inquiries and preliminary investigation, with obligatory planning of urgent measures taking into account the specific features of the alleged crimes.

Great importance is given to the methods of investigation of criminal cases relating to crimes of professional misconduct including those connected to using violence. Following the instruction of the Investigative Committee of Russia, this subject has been included (on a permanent basis) into the topics of training seminars in the territorial investigation departments of the Investigative Committee as well as in the programs for education of students in the Advanced Training Institute of the Investigative Committee of the Russian Federation.

11.4. The central administration of the Investigative Committee of Russia has recently taken a number of measures for sending necessary instructive orders to the territorial investigative bodies for the purposes of improvement of response mechanisms on the part of the investigative bodies to the facts of unlawful behaviour of officers of the FSIN of Russia.

In particular, the Investigative Committee of Russia sent to all territorial bodies an information letter "On the Legal Position of the European Court of Human Rights and the Key Problems Indicated in Its Decisions". It indicates the urgent issues of this subject and contains instructions to investigators for ensuring effective investigations into reports on crimes, inadmissibility of delivering unlawful procedural decisions refusing to initiate criminal cases on such reports, as well as on protection of citizens' rights when conducting inspection and investigative activities.

Taking into account all instructive orders of the Investigative Committee of Russia obligatory checking by investigators of reports on finding corpses in penitentiary system facilities (with exception of deaths resulting from diseases which occurred in special-purpose medical facilities) has been organised on a regular basis,.

The European Court's judgments touching upon the issues under consideration have been placed on the Investigative Committee's website for the purposes of implementation of recommendations contained in these judgments in the practice of the investigative bodies.

11.5. By way of execution of the order of the Chairman of the Investigative Committee of Russia and instructive orders of the Investigative Committee of Russia, comprehensive coordinated measures aimed at enhancement of interdepartmental influence and improvement of the work for detection and investigation of crimes of the relevant category have been implemented are being implemented in all regions.

- Thus, a number of the following important measures have been taken in the Perm Territory that has the greatest number of correctional facilities and where V.M.Buntov is serving his punishment:

- Close domain-specific interaction between the Investigation Department of the Investigative Committee of Russia for the Perm Territory and the Main Territorial Department of the FSIN of Russia has been organised.

The said Departments concluded an agreement determining the main areas of their joint work that include finding and detection of crimes committed by officers of the FSIN

of Russia. For the purposes of increasing the effectiveness and promptness of this work, the respective information exchange has been arranged.

- A tripartite agreement (with participation of the Territorial Prosecutor's Office) has been concluded that determines the algorithm of joint actions for prevention of destabilization and disorganisation of the operational situation in the facilities of the Main Department of the FSIN of Russia for the Perm Territory.

- The Territorial Investigation Department also arranged for information interaction with the Perm Territory Ombudsman on the issues relating to protection of the rights of persons detained in penal facilities.

- Along with that, in the recent period issues relating to combating tortures and other ill-treatment and other unlawful actions of administrations of penal facilities of the Territory have been discussed at 2 interdepartmental meetings, with taking concrete decisions aimed on improvement of such work.

- The respective coordination work has been organised and is being implemented, by way or permanent actions, at the level of lower territorial investigation divisions of the Territory which have jurisdiction over penal execution system institutions.

- Training events have been held in the investigation divisions of the Territory, dedicated to the issues connected to ensuring timely detection of crimes of the category under consideration, preservation of traces of crimes and material evidence.

- A Public Council has been created in the Republic of Mordovia at the Republican Investigative Committee. One of its areas of activity is involvement of citizens, public, human rights and other organisations, including public monitoring commissions, into investigators' activity for combating violations of citizens' rights within the examined sphere of relations.

- In the Krasnoyarsk Territory, where over 40 correctional facilities are located, a Regulation on interaction of internal security divisions of the Territory law enforcement bodies has been developed and signed, for the purposes of enhancement of departmental control over citizens' rights protection.

- A meeting on the issues of prevention, detection, suppressing and investigation of crimes in penal institutions is planned to be held in the Orel Region in February 2019.

Similar approaches are being implemented in other constituent entities of the Russian Federation.

12. Prosecutor's supervision plays a special role as a guarantee against torture and other ill-treatment.

12.1. *One of the main areas of prosecutor's supervision is prosecutor's supervision over observation of the law in the facilities and bodies of the penal execution system.*

- It is recalled that pursuant to Article 129 of the Constitution of the Russian Federation (hereinafter, "the Russian Constitution"), Federal Law of 17 January 1992 no. 2202-1 On the Prosecutor's Office of the Russian Federation and Article 22 of the Penal Execution Code of the Russian Federation (hereinafter, "the PEC RF") prosecutors exercise control over observation of the law in detention facilities and observation of convicts' rights.

The prosecutor's office is an independent body vested with the authority to demand from other bodies and agencies, including penal execution system agencies, to observe the law. Prosecutors are vested with a wide range of authorities including the authorities to introduce prosecutor acts for the purposes of elimination of the found violations.

For supervision over the activities of facilities and organisation of the penal execution system special divisions have been created at all the prosecution system levels. Inspections of correctional facilities are effected on a monthly basis.

While effecting their supervisory powers the prosecutor is entitled, *inter alia*:

- to visit correctional facilities at any time;
- to question the convicts;
- to demand from the [correctional facilities'] administration to create the conditions which would provide for the rights of the convicts, to check the compliance of orders, decrees, judgments of the [correctional facilities'] administration to the legislation of the Russian Federation, to demand explanations from officials, to file protests and submissions, to initiate administrative proceedings;
- to quash disciplinary punishments imposed on the convicts with violation of the law, to promptly release them, based on prosecutor's decision, from punitive confinement cell, cell-type premises, isolation ward, solitary cell, disciplinary cell³⁶.

The prosecutor's decisions and requests regarding observation of the procedure and conditions of the convicts' detention prescribed by law are subject to obligatory enforcement by the administration of correctional facilities³⁷.

Pursuant to the order of the Prosecutor General³⁸ prosecutor should, *inter alia*:

- regard supervision over compliance with laws in penal institutions as one of their key priorities;
- conduct, on a regular basis, in the respective institutions inspections on all aspects of protection of the rights of the persons who serve their punishment;
- pay special attention to the issues of lawfulness and reasonableness of using physical force and special means against convicts, ensuring proper detention conditions and medical assistance as well as possibility to contest in accordance with law those actions and decisions of officials by which their rights are violated;
- obligatorily implement the principle of speciality of prosecutors' offices officials involved in conducting such inspections;
- when exercising their supervisory authority, give thorough attention to compliance by the facilities' administration and by their officials with the requirements of the Federal Law *On Public Control of Human Rights Protection in Detention Facilities and Assistance to Persons Detained in Such Facilities*;

³⁶ Article 33 of Federal Law of 17 January 1992 no. 2202-1 *On the Prosecutor's Office of the Russian Federation* (amended as of 27.12.2018).

³⁷ Article 34 of Federal Law of 17 January 1992 no. 2202-1 *On the Prosecutor's Office of the Russian Federation* (amended as of 27.12.2018).

³⁸ Order of the Prosecutor General of the Russian Federation of 16 January 2014 no. 6 *On Organisation of Supervision over Observation of Laws by Administration of Agencies and Facilities engaged in Execution of Criminal Punishments, Remand Prisons during Detention of Persons Suspected and Accused of Commission of Crimes*.

- if any emergency situations occur in correctional facilities, immediately travel to such places in order to check the circumstances of such situations, find out and eliminate the reasons and conditions of the incidents and resolve the issue of bringing guilty persons to liability;

- in each case of death of persons detained in penal execution system facilities, arrange for carrying out the check into the circumstances of the death, as well as into the reasons and conditions that have led to this;

- in view of the national legislation requirements, international standards and the European Court's practice, conduct thorough and comprehensive checks on each application from a convict, including those received from the European Court. It is also prescribed to provide for applicants an opportunity to familiarize themselves with information submitted by authorities and persons whose actions are contested, and provide comments thereto;

- based on the result of the checks, seek elimination of the found violations using the whole range of the prosecutor response measures envisaged by the law, and, in case any grounds exist therefor - deliver, within the framework of their authority³⁹ reasoned decisions to refer materials to an investigative body for deciding on the issue of criminal prosecution based on the facts of criminal law violations found by the prosecutor;

- on a regular basis, analyse and summarise the state of lawfulness and prosecutor's supervision in execution of penalties, the work on examination of applications from citizens in this sphere, the quality of the response acts submitted by subordinate prosecutors and of their examination results, with taking necessary measures, aimed at improvement of prosecutor's supervision, based on the results of the analysis;

- control over execution of the order is imposed upon the supervising Deputies of the Prosecutor General of the Russian Federation.

Order of the Prosecutor General of 16 July 2010 no. 284 284⁴⁰ (as amended on 18 September 2018) provides for immediate informing the Prosecutor General's Office, by sending by prosecutors of the constituent entities of the Russian Federation of special reports (by telephone and via other urgent communication means, with further sending of a written special report), of any extraordinary incidents including those taking part in penal execution system institutions.

In September 2018, amendments were introduced into order no. 284, specifying the list of cases in which special reports shall be immediately sent to the Prosecutor General's Office. In the current version, such special reports should be sent in cases of convicts' attacks or escape, facts of their death (except for deaths resulting from diseases), their inflicting harm to health, use of physical force, special means and weapons. resulting in harm to the health, committing crimes by PES officers, mass poisonings and hunger strikes, self-injuries committed by a group of persons or resulting in harm to the health, riots and fires in PES institutions.

Order no. 284 also sets up a detailed procedure for preparation and sending of special reports, further interdepartmental interaction of prosecution authorities with other law

³⁹ Article 37 § 2 of the CCrP RF.

⁴⁰ Order of the Prosecutor General of 16 July 2010 no. 284 On the Procedure of Providing Special Reports and Other Obligatory Information (amended as of 18 September 2018).

enforcement agencies, including the Investigative Committee of Russia, on issues related to the respective incidents.

- According to the Prosecutor General's Office, prosecutors actively implement in practice their authority for supervision over compliance with law in penal facilities.

According to the statistics, in 2018 prosecutors conducted about 10.8 thousand checks of compliance with laws in correctional facilities. Following these checks, over 6.7 submissions were delivered, 426 warnings were delivered to officials for the purposes of elimination of the violations committed. Following examination of prosecutors' response acts, the discovered violations were eliminated, and over 13.5 guilty persons were brought to disciplinary and administrative liability, 137 persons were convicted for committing crimes relating to their duties.

12.2. In compliance with their authority, prosecutors actively effect supervision over compliance with the laws during registration of reports on tortures and other ill-treatment.

Information on statutory regulation of the respective activity of prosecutors and its results is given in detail above in para. 7.3 of this document.

12.3. Prosecutors actively make use of their authority with regard to supervision of preliminary investigation.⁴¹

- In accordance with the Prosecutor General's order of 28 December 2016 no. 826 On Organisation of Prosecutor's Supervision over Procedural Activity of Bodies of Preliminary Investigation, the prosecutors were given crucially important instructions concerning supervision over the procedural activity of the bodies of preliminary investigation both at the stage of carrying out pre-investigation inquiries and at the stage of criminal investigation, including examination of reports about crimes and adoption upon their results lawful and reasonable procedural decisions.

In particular, detailed instructions were also given concerning the assessment by the prosecutors of the results of the pre-investigation inquiries and criminal investigations, according to the results of which the procedural decisions to refuse to initiate a criminal case, to dismiss or to suspend a criminal case and on prosecutor's response measures.

Prosecutors' offices are also instructed, in case a delivered procedural decision is recognised unlawful, to deliver a reasoned judgment quashing such decision; the judgment shall contain the circumstances subject to additional check, violations of criminal and criminal procedural law, and if there exist sufficient data pointing to the elements of the crime - arguments on existence of the grounds (as envisaged by the criminal procedural law) for institution of criminal proceedings.

At the same time, the order draws special attention to the need of control over conducting additional procedural inquiries and investigations, and if any repeated facts of ignoring of prosecutor's lawful orders are established, of the need to take exhaustive measures for bringing guilty persons to liability and providing for delivering of a lawful and justified procedural decision bases on a report about a crime.

⁴¹ Article 37 of the CCrP RF, Prosecutor General's order of 28 December 2016 no. 826 On Organisation of Prosecutor's Supervision over Procedural Activity of Bodies of Preliminary Investigation; Prosecutor General's order of 1 November 2011 no. 373 On the Procedure of Examination of Complaints against Actions (Omission) and Decisions of an Inquiry Body, Inquiry Officer, Investigator, Head of Investigation Body and Prosecutor.

It is also prescribed to seek strict observation by the investigative bodies of the legislative requirements concerning recognising a person who has suffered harm as a result of a crime as a victim of this crime.

Pursuant to the order, obligatory participation of a prosecutor in examination by the court, in accordance with the procedure provided for by Article 125 of the CCrP RF, of investigative bodies' decisions refusing initiation of a criminal case, or terminating such a case, or any other their decisions and actions (omission) that can be detrimental to the constitutional rights and freedoms of the participants to criminal proceedings or impede public access to justice.

In accordance with the above-mentioned order, the prosecutors are to summarise and analyse every half year the situation of prosecutor's supervision over the procedural activity of the bodies of preliminary investigation, including the results of examinations of a prosecutor's claims and requirements to eliminate the violations of the federal legislation, effectiveness of the prosecutor's response. It was proposed to submit for consideration to the panels, coordination and operational meetings, to the scientific advisory board the most difficult issues arising in the course of the law-enforcement bodies' activity while applying the CCrP RF. The results of the analysis should be further used for improvement of supervision over protection of the rights and freedoms of man and citizen in criminal proceedings.

• *The authority of prosecutors' offices for supervision of compliance with laws and protection of rights of participants of criminal proceedings in the course of preliminary investigation is effectively exercised in the sphere of its practical application.*

According to the General Prosecutor's Office, over 47.1 thousand decisions refusing to initiate criminal cases and about 7.8 thousand decisions on termination and suspension of criminal proceedings were cancelled in 2018 based on the results of prosecutors' inspections in the sphere of the criminal procedural activity of the Investigative Committee of Russia. Based on the results of quashing decisions refusing to initiate criminal cases 343 criminal cases were initiated, and based on the results of quashing decisions on suspension and termination of criminal proceedings 187 criminal cases were referred to the courts.

13. *The activities of penitentiary facilities are directly controlled by the Federal Service on Execution of Punishments (hereinafter, "the FSIN")* which has its territorial bodies in all the constituent entities of the Russian Federation.⁴²

13.1. The authorities of FSIN include, among others:

- securing law and public order as well as protection of convicts' rights, freedoms, lawful interests and ensuring their safety;
- providing for adequate conditions of the convicts' detention and medical care;
- medical and sanitary provisions for the convicts;

⁴² Regulation on the Federal Service on Execution of Punishments, approved by Presidential order no. 1314 of 13 October 2004 (as amended on 8 September 2017), Article 38 of Law of the Russian Federation no. 5473-1 of 21 July 1993 (as amended on 6 February 2019) *On Institutions and Bodies Executing Criminal Punishments in Form of Deprivation of Liberty* (hereinafter "Federal Law no. 5471-1").

- effecting control over the activities of the facilities and agencies of the penal system as well as control over observation of law and protection of the convicts' rights.

The FSIN of Russia and its territorial agencies perform their controlling functions by way of planned inspections and check into particular facts, including on-site inspections.

13.2. In case of any severe violation of service discipline by correctional institution officers, in case of institution of criminal proceedings against such officers or in every case where correctional institution officers use violence against the convicts an internal inspection is envisaged. Such inspection does not substitute an investigation on the fact of tortures and ill-treatment.

The procedure of carrying out an internal inspection is regulated by a special Instruction⁴³, its provisions prohibit involvement in the check on the facts of use of physical force or special means against the convicts those penal institution officers who might be possibly involved in ill-treatment of the convicts as well as their subordinate officers or officers who might be directly or indirectly interested in the results of the inspection.

As regards officers who are temporarily dismissed from their positions for the period of inspection, measures are taken to exclude unauthorized access by such officers to arms, special means, internal documents as well as to exclude the possibility of such officers' influence on the results of the inspection⁴⁴.

Copies of the inspection files may be submitted to the prosecutor's office which effects supervision over law enforcement in detention facilities. In case there are elements of the crime in the actions of correctional institution officers who have used physical force and special means, the inspection files are submitted to investigation authorities for delivery of a procedural decision in conformity with the requirements of the criminal procedural legislation⁴⁵.

13.3. *Within the framework of the authority mentioned in §§ 13.1 and 13.2. the FSIN of Russia, in strict compliance with the applicable legislation, inter alia, controls compliance with the legislative requirements for using physical force, special means and firearms⁴⁶, providing for convicts' safety, inadmissibility of using prohibited measures against them.*

- Federal Law⁴⁷ no. 5471-1 gives a detailed description of the grounds and requirements for using physical force, special means and firearms, as well as prohibitions and limitations related to use of special means and specifics of their used by PES officers.

In December 2016, Federal Law no. 5471-1 was supplemented by Article 28.1. (Procedure of Use of Physical Force, Special Means and Firearms), pursuant to which:

- PES officers are obliged to warn convicts about their intention to use physical force, special means and weapons, providing enough time to comply with their orders (except for

⁴³Instruction on Organisation and Carrying out Internal Inspections in the Facilities and Agencies of the Penal Execution System, approved by order of the FSIN of Russia of 12 April 2012 no. 198 (as amended on 13 August 2013), hereinafter "Instruction no. 198".

⁴⁴ §§ 10 and 15 of Instruction no. 198.

⁴⁵ §§ 30 of Instruction no. 198.

⁴⁶ The ECtHR judgment in the case of Buntov v. Russia did not examine the issues of using special means and firearms; in the said report, the information related to use of the respective means is provided within the context of the general measures aimed to prevent their unlawful or excessive application, including in case of use of prohibited methods of treatment of convicts.

⁴⁷ Chapter V of Federal Law no. 5471-1

the cases when delay in the use of physical force, special means or fire weapon can directly endanger life or health of other persons, may lead to other grievous aftermath or when such warning is impossible under the circumstances);

- PES officers must provide for causing minimal harm to convicts (it is not allowed to inflict on a person blows with a special baton on the head, neck, collarbone area, stomach, genitalia, in the area of the heart) as well as provide for immediate medical assistance to the persons who have suffered and carry out the necessary measures aimed at recording by the medical workers of the bodily injuries inflicted on the said persons;

- PES officers must report to their immediate superior and to the head of the PES facility in written form, within the shortest time possible but not later than 24 hours after the moment of using physical force, special means or firearms, of any and each case of use thereof;

- the head of the PES facility shall provide for preparation and submitting to the prosecutor in due course of materials based on the fact of use of physical force, special means or firearms.

By way of development of this provision, the Ministry of Justice of the Russian Federation, by its order no. 216 of 30 October 2017 approved the Procedure for Preparation and Submitting to the Prosecutor by a Head of a Penal Execution System Facility (Special Escorting Division) of Materials Based on the Facts of Using by Penal Execution System Officers of Physical Force, Special Means and Firearms (the procedure for the prosecutor's further actions is described above in § 12.1 hereof);

- use by PES officers of physical force, special means or firearms shall be recorded by a portable video recorder or by any other in-house audio- and video recording appliances;

- in each case where a convict suffers bodily injuries or dies as the result of use of physical force, special means or firearms, a prosecutor shall be informed thereof immediately, and the necessary materials shall be further forwarded to the prosecutor within 24 hours.

- As informed by the FSIN of Russia, for the purposes of implementation of the Russian legislative provisions and in view of the legal positions of the ECtHR and recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter, "the CPT"), the FSIN of Russia has undertaken a number of measures aimed at improvement of law enforcement practice during use of physical force and special means, as well as recording of bodily injuries suffered by convicts and detainees.

Timely drawing up the documents following each case of use of physical force and special means or infliction of bodily injuries is ensured in compliance with the established requirements.

All facts regarding finding bodily injuries are recorded in a special register with immediate internal inspections excluding participation in such inspections of officers involved in the respective events. In accordance with the established requirements, the results of the checks should be sent to the competent authorities for taking a procedural decision under the CCrP RF.

In case of infliction of bodily injuries resulting from use of physical force and special means in PES facilities, necessary medical assistance shall be immediately rendered to the person who has suffered.

In each instance where information on facts of violation of law by PES staff is received, the heads of the FSIN of Russia give orders to conduct checks including checks with visits.

For the purposes of enhancing departmental control, commissions for conducting checks into reasonableness of use of physical force and special means against convicts have been created in territorial bodies of the FSIN of Russia.

The quality of the conducted checks is assessed by officers of the FSIN of Russia in the course of effecting departmental control during inspections, control checks and targeted visits.

- Within the framework of implementation of the Concept for Development of the Penal Execution System of the Russian Federation till 2020, approved by Decree of the Government of the Russian Federation no. 1772-r of 14.10.2010, increasing of technical surveillance means, education of PES facilities staff with regard to the procedure of use of physical force and special means have been ensured.

Today PES facilities are equipped using the newest telecommunication technologies and technical achievements. They are equipped with integrated security systems including sub-systems of video surveillance, control and access management, engineering and technical security and surveillance systems, fire alarm, intrusion alarm system, loudspeaking and interactive communication.

For the purposes of effecting surveillance over suspects, accused and convicts, from 2012 the number of used video surveillance cameras has increased by more than twice (from 50,300 to 119,600). Additionally, in 275 correctional facilities 2012 - in 64 facilities) and 182 remand prisons (in 2012 - in 33 remand prisons) biometric identification systems were installed.

For controlling protection of the rights of persons detained in PES facilities, the facilities' staff use on a daily basis, apart from immovable video surveillance and control systems, over 19,000 sets of portable video recorders, while in 2012 the number of such sets did not exceed 9,000.

During 2018, facts of use of physical force against accused and convicts in correctional facilities, remand prisons and prisons have been recorded using video surveillance means in 98.5% of instances.

- On 31 July 2017 the FSIN of Russia held a videoconference meeting with heads of its territorial bodies. During the meetings, issues related to use of violence against suspects, accused and convicts in PES institutions were discussed and concrete orders were given.

Based on the results of the meeting, the heads of the territorial bodies of the FSIN of Russia were given the order in accordance with which:

- commissions were created in all territorial bodies of the FSIN of Russia (from among staff and heads of operative, regime, educational and psychological services) for conducting checks of organisation of work in locked premises (disciplinary cell, locked

premises for serving punishment under strict conditions, solitary cell, penalty or disciplinary cell, cell-type premises, uniform cell-type premises, hereinafter referred to as “locked premises”) and serving duty therein. It is prescribed to appoint as chairpersons of the commissions first deputies (deputies) of territorial bodies of the FSIN of Russia who supervise the issues of security and operative work, imposing on them personal responsibility for effectiveness and quality of such checks.

- there was organised analysis of materials of checks on all types of use of physical force and special means against suspects, accused and convicts in the period from 1 July 2017. In case of any violations found in the procedure of use of physical force and special means necessary measures should be taken in respect of guilty persons - up to dismissal from the PES, the materials shall be sent to the competent authorities for taking procedural decisions;

- psychodiagnostic examination of members of the staff of duty shifts of security (regime) divisions was organised, in the first turn of officers serving their duty in locked premises of the facilities, in order to determine the functional reserves for due performance of their service duties including direct contacts with convicts (level of aggression, psychological resistance to stress, provocations and manipulations). Based on the results of psychodiagnostic examination it was prescribed, in respect of every staff member, to examine the issue of reasonableness of their further work on duty in locked premises, in case of any counter indications to consider the issue of their serving in other places. If any factors and reasons are discovered for including officers into a group needing close attention, the [administration of the] correctional facility should take measures for psychological preventive work with such officers, and in case there is no positive dynamics - to examine the issue of their further service, in accordance with the established procedure;

- psychologists of the facilities have organised practical courses (trainings) aimed to develop anti-manipulative behaviour skills and form the skills to resist aggressive pressure and provocations on the part of suspects, accused and convicts;

- it was prescribed to PES facilities staff to provide for permanent carrying of switched on portable video recorders when on duty, when using physical force and special means (this requirement concerns, in the first turn, persons who are on duty in locked premises);

- work on equipment of all locked premises with video surveillance cameras was arranged. It was prescribed, during installation of the cameras, exclude forming of “dead” zones and provide in each PES facility storage of all video surveillance records archives (from all immovable cameras and portable video recorders) at least for 30 days;

- heads of territorial bodies of the FSIN of Russia organised checks:

of availability and working condition of portable video recorders used by the facility staff;

of periodicity of visiting locked premises by staff and heads of the correctional facility, as well as of effectiveness of meetings with the convicts detained therein for discussion and resolution of personal issues;

periodicity and fullness of psychological support for suspects, accused and convicts detained in locked premises;

Control over execution of the said ordinance was imposed on the responsible officials of the central office of the FSIN of Russia.

- On 6 September 2018, an extended meeting of the Board of the Federal Service on Execution of Punishments was held for discussion of the following topics: “Problematic issues of engineering and technical equipment of PES facilities and authorities and ways for their resolution” and “On Additional Measures for Ensuring Compliance with Law during Use of Physical Force and Special Means by Officers of Penal Execution System of the Russian Federation”.

Heads of structural subdivisions of the FSIN of Russia, its territorial bodies and PES facilities took part in the work of the said board meeting. Based on its results:

- decisions were adopted aimed at:

improvement of the legal framework for equipment of the facilities with engineering and technical security and surveillance means and their technical operation;

development of uniform technical requirements to engineering and technical security and surveillance applied in PES facilities;

increasing the number of modern immovable and portable video control means in PES facilities;

enhancing control over compliance with the statutory provisions regulating the procedure of use of physical force and special means;

creation of methodology and algorithms for actions of officers in various stress situations or during suppression of unlawful actions committed by detainees, including with use of physical force and special means.

- the following priority tasks were determined:

ensuring effective control over compliance with the statutory provisions regulating the procedure of use of physical force and special means;

resolving social and social and household problems of PES facilities staff, ensuring adequate conditions for service and recreation;

staffing of security (regime) divisions, duty and daily shifts, divisions responsible for educational work with convicts;

further increasing the number of modern immovable and portable video control means, providing for their sufficient number in the places of mass gatherings of convicts, in locked and cell-type premises;

development of an additional methodology and algorithm for actions of officers in various stress situations or during suppression of unlawful actions committed by accused and convicts, including with use of physical force and special means;

timely and quality carrying out of comprehensive preventive measures, organising of educational work aimed at development of law abiding behaviour with accused and convicts;

- the following tasks were given (their performance to be controlled by the top officials of the FSIN of Russia):

to develop methodic recommendations on actions of officers in various stress situations or in case of unlawful actions committed by accused and convicts (attack, insult, passive resistance) including with use of physical force and special means, with indication of methods for lifting stress during service;

to prepare an educational video on actions of staff in case of occurrence of any conflict situations with suspects, accused and convicts;

to send instructions to territorial bodies of the FSIN of Russia regarding the need to work on including in the commissions of correctional facilities, that examine issues related to exercise of convicts' rights and lawful interests (commission of a correctional facility, disciplinary commission, administrative commission) of members of public monitoring commissions, representatives of local self-government bodies, public, ombudsmen of the constituent entities of the Russian Federation and these ombudsmen's offices;

to develop and send to territorial bodies of the FSIN of Russia a sample of schedule of personal meetings with the top officials of the offices of territorial bodies of the FSIN of Russia for convicts and persons visiting the facilities, and the report on its execution for use in work;

to ensure examination at operative meetings at the heads of territorial bodies of the FSIN of Russia of results of the work of the commissions that carry out internal inspections of lawfulness based on the facts of use of physical force and special means;

to ensure personal control on the part of heads of security divisions (regime and surveillance) of territorial bodies of the FSIN of Russia over training of newly employed staff of security and regime divisions, conducting their practical training and work of mentors from among the best trained staff;

to carry out additional psychodiagnostics with convicts registered in the facilities as prone to attack representatives of the administration and other law enforcement officers as well as those prone to aggressive and provocative behaviour towards facility staff, with elaboration of concrete recommendations for facility staff on organisation of interaction with the said category of convicts in the process of performing their duty. If necessary: to arrange for psychocorrective measures as well as educational work with the aforementioned convicts with involvement of representatives of the public.

- Task-oriented work for increasing professional training level and awareness of PES officers and officials of the FSIN of Russia and its territorial bodies has been organised and is carried out on a permanent basis.

In particular, conducting of psychological trainings and educational work with operative staff has been organised for the purposes of detailed study of the law and preparation to acting in emergency situations.

Issues related to exercise of human rights in the PES activity have been included in the educational programmes for cadets and students of higher educational institutions subordinate to the FSIN of Russia, officers of PES institutions and authorities undergoing

supplementary professional training programmes and vocational training programmes. In particular in the educational programmes were included the issues concerning compliance with the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the UN Standard Minimum Rules for the Treatment of Prisoners, the European Prison Rules. Representatives of officers of ombudsmen and PSC members are invited to teach in the educational organisations of the FSIN of Russia.

13.4. On 8 January 2019, Deputy Head of the Federal Service on Execution of Punishments V.Maksimenko gave a detailed interview to Interfax news agency where he declared zero tolerance to use of tortures and other ill-treatment in PES facilities and informed the public of the taken and planned measures for prevention any further similar violations.

14. One of the essential guarantees against torture and other ill-treatment is public control over observation of human rights in penal institutions.

14.1. The federal law sets up the legal framework for participation of public associations in the public control over human rights protection in detention facilities including penal institutions.⁴⁸

Thus, control over protection of human rights in detention facilities is effected by Public Supervisory Committees (hereinafter - "PSCs") which are entitled to visit detention facilities, accept and examine proposals, submissions and complaints from the detainees and have confidential talks with them, forward materials on the result of control inspections to competent state authorities.

On 19 July 2018, amendments were introduced to the federal legislation⁴⁹, significantly extending the rights of PSCs. In particular, they were given the right to effect filming, photo and video recording for recording violations of the rights of persons kept in detention facilities, as well as to use measuring devices for controlling micro climate in living and production areas of PES facilities.

For organisation of control over the process of elimination of the drawbacks found by the PSCs members and assessment of effectiveness of this work every penitentiary keeps a register of visits of the institution by committee members. This register also reflects the response measures taken for the purposes of elimination of the drawbacks found by the PSCs members.

In 2018, members of the PSCs visited penal institutions over 3,800 times. During the visits individual conversations with over 10,900 convicted persons were held. Following the visits to PES institutions, PSC members sent over 1,800 opinions, proposals and petitions which were examined with taking concrete decisions to eliminate the discovered violations.

14.2 The FSIN of Russia arranged for close cooperation with the Ombudsman for the Russian Federation, Ombudsmen in constituent entities of the Russian Federation, Children's Ombudsman at the President of the Russian Federation, Children's

⁴⁸Federal Law no. 76-FZ of 10 June 2008 *On Public Control of Human Rights Protection in Detention Facilities and Assistance to Persons Detained in Such Facilities*; Article 23 of the PEC RF.

⁴⁹ Federal Law no. 203-FZ of 19.07.2018 *On Amendments to Article 18.1 of the Federal Law On Detention of Persons Suspected and Accused of Commission of Crimes and Federal Law On Public Control of Human Rights Protection in Detention Facilities and Assistance to Persons Detained in Such Facilities*.

Ombudsmen in constituent entities of the Russian Federation, Business Ombudsman at the President of the Russian Federation, Business Ombudsmen in constituent entities of the Russian Federation, who, pursuant to the applicable legislation, effect control over human rights protection in detention facilities⁵⁰.

- The Ombudsman for the Russian Federation (hereinafter, "the Ombudsman") is entitled to effect independent control over human rights protection in detention facilities.

The Ombudsman examines the complaints from persons, including persons detained in correctional colonies, against decisions and actions (omission) of state authorities, local self-government authorities, officials and public servants.

The complaints lodged with the Ombudsman by convicts serving their terms in detention facilities are not subject of censoring and should be forwarded to the Ombudsman within 24 hours.⁵¹

In cases there exists information about mass-scale or severe violations of personal rights and freedoms or in the cases which are of special public importance or related to the necessity of protection of persons who are not able to use remedies independently, the Ombudsman is entitled to take measures for elimination of the violations at his own discretion.

While effecting the inspection of human rights observation in detention facilities the Ombudsman is entitled to unhindered access, not requiring special permission, to detention facilities, to enquire the materials and documents needed for the inspection, to obtain explanations, to delegate effecting expert examinations and preparation of expert conclusions.

Based on the result of the inspection the Ombudsman is entitled to apply to court with a statement requesting protection of violated rights and freedoms of a person, to file motions to competent authorities for initiating disciplinary or administrative proceedings or criminal investigation in respect of a person who has violated human rights and freedoms, to apply to court or prosecutor's office with a request to carry out an inspection of the final court decision, etc.

The Ombudsman is also entitled to submit to state authorities, local self-government authorities or state officials his comments and proposals related to providing for observation of the citizens' rights and freedoms, to make proposals for amendments and/or supplements to the federal legislation and legislation of the constituent entities of the Russian Federation, as well as make reports at the sessions of the State Duma in connection to mass or severe violations of the citizens' rights and freedoms and submit proposals to the State Duma to establish Parliamentary Committees for investigation into the facts and circumstances of violation of human rights and freedoms.

- At the present moment, the State Duma of the Federal Assembly of the Russian Federation is examining a draft Federal Law⁵² that expands the authority of the

⁵⁰ Federal Constitutional Law no. 1-FKZ of 26 February 1997 (as amended on 31 January 2016) *On the Ombudsman for the Russian Federation*, laws of constituent entities of the Russian Federation on Ombudsmen in constituent entities of the Russian Federation; Article 24 of the PEC RF.

⁵¹ Article 19 of Federal Constitutional Law no. 1-FKZ of 26 February 1997 (as amended on 31 January 2016) *On the Ombudsman for the Russian Federation*; Article 15 § 4 of the PEC RF.

⁵² Draft Federal Law no. 361159-7 On Amendments to Certain Legislative Acts of the Russian Federation

institute of the Ombudsman for inspection of correctional facilities. The draft law provides for in particular that the respective checks may be conducted not only by the Ombudsman but by his/her office officials based on his/her instruction. Actually, officials from ombudsmen's administrations take active part in the checks and thus adoption of the aforementioned law will allow statutory basis for the formed positive practice.

- In 2018, the Ombudsman for the Russian Federation, Children's Ombudsman at the President of the Russian Federation, Business Ombudsman at the President of the Russian Federation, as well as the respective ombudsmen in constituent entities of the Russian Federation actively exercised their rights in the sphere of public control over compliance with laws in PES facilities.

In 2018, approximately 1,300 such visits to PES facilities were effected, including: 897 - by personally Ombudsman for the Russian Federation and the respective regional ombudsmen, 217 - by the Children's Ombudsman at the President of the Russian Federation and the respective regional ombudsmen, 124 - by the Business Ombudsman at the President of the Russian Federation and the respective regional ombudsmen, 1,189 - by officials from the officers of the aforementioned Russian ombudsmen.

The violations discovered in the course of the aforementioned visits were eliminated, and measures for implementation of the submitted proposal were taken.

- The Public Council at the Federal Service on Execution of Punishments on the issues of penal execution system work plays a significant role in building up a constructive dialogue with civil society institutions. Among its members are well-known cultural and arts figures, media representatives, public figures, members of human rights and religious organisations. Most public councils at territorial bodies of the FSIN of Russia have similar composition of members.

Public councils' members, *inter alia*, examine applications lodged by citizens, take part in visits to PES facilities, personally meet suspects, accused and convicts.

In 2018, the Public Council at the FSIN of Russia for the issues of penal execution system activity and public councils at the territorial bodies of the FSIN of Russia held over 500 meetings at which urgent issues, related to observation of laws in penal system facilities, were discussed.

15. Effective judicial remedies occupy the first place in the system of guarantees against torture and other ill-treatment.

15.1. In case of disagreement on the actions (failure to act) and decisions of the inquiry bodies, inquiry officers, investigators, heads of investigative bodies, officers of internal affairs bodies and correctional system, prosecutors, the victims and other persons, in part where the performed actions and adopted decisions affect their interests, may challenge them in compliance with Article 125 of the Code of Criminal Procedure of the Russian Federation and Article 25 of the Code of Civil Procedure of the Russian Federation.

The practice of complaints examination under Article 125 of the Code of Criminal Procedure of the Russian Federation was explained to courts by the Plenum of the Supreme Court of the Russian Federation in its judgment of 10 February 2009 no.1 (as amended on 24 May 2016) On Practice of Examination of Complaints by Courts as Provided for by Article 24 of the Code of Criminal Procedure of the Russian Federation.

The Supreme Court noted that as provided for in Article 125 of the Code of Criminal Procedure of the Russian Federation decisions and actions (failure to act) of the officials, adopted during pre-trial stages of criminal proceedings might be challenged, if they could inflict damage to the constitutional rights and freedoms of the criminal proceedings participants or other persons whose rights and legal interests were violated, or if they could restrict the access of persons to justice.

Thus, the use of the remedy provided for by Article 125 of the Code of Criminal Procedure of the Russian Federation does not depend on the procedural status of victim - any person considering that his right for access to justice was violated by actions or failure to act on part of the body that conducted the investigation, might file a complaint to the court according to Article 125 of the Code of Criminal Procedure of the Russian Federation.

In 2018, citizens made extensive use of this effective remedy. According to the statistics, the Russian courts have examined 11.8 thousand complaints against decisions, actions (omission) of investigators of the Investigative Committee of Russia and prosecutors, of which 860 complaints have been granted.

15.2. On 25 December 2018, Plenary Resolution of the Supreme Court [of the Russian Federation] “On Some Issues Arising with Courts during Examination of Administrative Cases Related to Violation of Detention Conditions for Persons Kept in Detention Facilities” was adopted.

This Plenary Resolution fully corresponds with the European Court’s case-law in the sphere of relations that is being examined. It directs the Russian courts to examine complaints lodged by suspects, accused and convicts against inadequate conditions of detention and ill-treatment in accordance with the provisions of the Code of Administrative Procedure of the Russian Federation (hereinafter, “the CAP RF”; more detailed information on it has been submitted earlier) and Conventional requirements.

The Resolution clearly explains that the right to personal safety and health protection is one of the constituent elements for providing adequate conditions of detention in penal institutions, taking into account the Constitutional and Conventional requirements, generally recognised principles and international law provisions.

Attention is drawn to the fact that if in the process of examination of an administrative case related to violation of detention conditions of persons deprived of liberty the court finds any elements of crime in the actions (omission) of bodies and institutions as well as officials, it should send the respective information (e.g. a copy of the court hearing records or extract from such record) to the inquiry bodies or preliminary investigation bodies for taking a decision in accordance with the procedure envisaged by the CCrP RF. In substantiation of this explanation the Supreme Court referred not only to the provisions of the Russian legislation but also directly to the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

15.3. The Ministry of Justice of Russia has developed and submitted to the Government of the Russian Federation\ the draft Federal law On Introduction of Changes to Certain Legal Acts of the Russian Federation in the part of improvement of compensatory judicial remedy with regard to violations connected with the failure to provide proper detention conditions in custody and in penal institutions (hereinafter, “the Compensation Law”).

This draft law provides for introducing amendments to the PRC RF, Federal Law On Detention of Suspects and Accused and the CAP RF, which will provide for the possibility of obtaining at the national level a compensation for failure to provide adequate detention conditions in institutions of the penal execution system. At the same time, the draft law regulates in detail the particular procedures for lodging and examination of the respective applications in line with the international standards and the EtCHR case-law.

The draft law provides for transitional provisions. Persons who have submitted applications to the Court will be provided the right to apply to national courts for satisfaction within six months from the date of the law becoming final.

15.4. The Supreme Court of the Russian Federation organises on a regular basis preparation of summaries of case-law and legal positions of international treaty bodies, including the European Court, on issues of protection of a person’s right not to be subjected to torture or any other forms of inadmissible treatment. Earlier, in the period from 2015 to 2017, four such summaries were prepared and brought to the Court’s knowledge.

In December 2018, another Summary of Case-Law and Legal Positions of International Treaty and Non-Treaty Bodies on the Issue of Protection of a Person’s Right not to be Subjected to Tortures, Inhuman or Degrading Treatment or Punishment was prepared. This summary contains a detailed analysis of the legal positions of international bodies including the ECtHR, as applicable to various aspects of detention conditions in penal institutions, providing medical assistance, transportation of persons deprived of liberty, inadmissibility of their ill-treatment (including torture) as well as applicable to persons’ right not to be subjected to ill-treatment when measures in form of forced hospitalisation to a mental inpatient facility are applied, and during forced mental health examination.

The aforementioned summary was also published for public access on the website of the Supreme Court of the Russian Federation.