

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: EUR 46/060/2006 (Public)
News Service No: 293
22 November 2006

Embargo Date: 22 November 2006 00:01 GMT

Russian Federation: Beating out "confessions" in police detention

Beatings with fists, plastic bottles full of water, books, truncheons and poles; a special room fitted with a metal table with wrist and leg restraints used for rape; suffocation; electroshocks to different areas of the body -- these are some of the means of torture or other ill-treatment reportedly used by the police in order to extract confessions from detained suspects, Amnesty International said today.

The organization's latest report, *Russian Federation: Torture and forced "confessions" in detention*, brings to light the practice of torture and ill-treatment throughout Russia in violation of the country's national and international obligations and the lack of convincing efforts to eradicate the problem.

"All forms of torture or other ill-treatment are unequivocally prohibited at all times and in all circumstances under international human rights law. However, police officers use torture in detention centres across the country," said Nicola Duckworth, Director of the Europe and Central Asia Programme for Amnesty International.

In 2005 Russian non-governmental organizations (NGOs) documented, with medical evidence, more than 100 cases of torture in 11 of Russia's 89 regions alone. These regions do not include the North Caucasus, where the incidence of torture is even higher.

Poorly paid and poorly trained police officers are ill-equipped to cope with a high level of crime in the Russian Federation. The easiest way to promotion for police officers is to "solve" as many crimes as possible -- and too often, the approach to solving a crime is to extract a "confession". As a result, safeguards against torture are circumvented, often with impunity.

According to numerous testimonies, lawyers are not present during questioning of suspects in detention; relatives are not informed of their detention; suspects are tortured by police officers or left at the mercy of convicts who do the torturing for the police; the victims are denied a medical examination by a doctor of their choice; allegations into torture and ill-treatment are rarely effectively investigated; those responsible for torture and ill-treatment are rarely prosecuted.

"Independent and impartial investigations and prompt prosecutions are the key to addressing torture and ill-treatment. The authorities in Russia, however, seem reluctant to deliver on these," Nicola Duckworth said.

It is the duty of the General Procuracy to investigate allegations of torture and other ill-treatment. However, its record in this respect is unsatisfactory -- in 2005, according to Russian NGOs, official investigations found evidence of torture in only 33 out of 114 arguable cases of torture, and the year before, in only 47 out of 199. A key factor undermining effective investigations is the Procuracy's other role in the investigation of serious crimes -- investigations in which "confessions" may have been extracted by torture.

"This is a case of the left hand pretending not to know what the right hand is doing -- one can hardly expect the Procuracy to be vigorous in investigating allegations of torture when it is part of the same system that relies on forced 'confessions' to get results," Nicola Duckworth said.

One of the most revealing examples of the Procuracy's failure to investigate allegations of torture is the case of Aleksei Mikheev. In 1998, Aleksei Mikheev was wrongly accused of murder and the police tortured him in an effort to extract a "confession". He jumped out of the window of the police station in an effort to avoid his torturers and broke his spine. He filed a complaint but his case was opened and closed more than 20 times before reaching the European Court of Human Rights. In January 2006, the European Court pointed to serious deficiencies in the Procuracy's response to allegations of torture and found Russia to be in violation of the prohibition of torture and ill-treatment, and the right to an effective remedy.

Russia has not fully cooperated with international mechanisms to prevent torture. Most recently, the visit of the UN Special Rapporteur on torture was postponed at short notice, as the Russian authorities failed to agree to the Special Rapporteur's terms of reference. This despite Russia making particular reference in its pledge, when it stood for election to the UN Human Rights Council, to "active cooperation" with the Special Procedures, and the scheduling of the visit by the Special Rapporteur on torture.

By ratifying the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Russia committed itself to allowing the Committee for the Prevention of Torture (CPT) access to detention centres and it has in general done this. However, Russia has denied the CPT immediate access to detention sites in the Chechen Republic and is the only country in the Council of Europe which does not regularly authorize the publication of the CPT's reports. By not authorizing publication, Russia is limiting the scope for valuable public discussion of progress made to eradicate torture.

Most importantly, there is no effective, independent and nationally enforced system of visits to all places of detention. Such a system would provide a real deterrent to acts of torture. Currently, while different agencies do undertake visits to places of detention, they are either not fully independent or they are unable to make unannounced visits, and have no powers of enforcement. Police custody is particularly closed to outside scrutiny and it is in police custody that detainees are most vulnerable to torture and other ill-treatment.

Amnesty International's recommendations to the Russian authorities include the establishment of a mechanism for unannounced inspections of all places of detention, including police custody and pre-trial detention centres, by credible impartial investigators. Signing and ratifying the Optional Protocol to the UN Convention against Torture would be an important step towards the establishment of such a mechanism. Amnesty International also calls for the improvement of the professional training of police officers, including in human rights protection.

See: *Russian Federation: Torture and forced "confessions" in detention*, (AI Index: EUR 46/056/2006)
<http://web.amnesty.org/library/index/engEUR460562006>

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