

PUBLIC

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**Further Information on UA 285/02 (EUR 46/035/2002, 20 September 2002) Torture and Ill-treatment/
Fear of Further Torture and Ill-treatment**

RUSSIAN FEDERATION

**Andrei Viktorovich Osenchugov (m), aged 17
Aleksei Vladimirovich Shishkin (m), aged 17**

In late January 2003, the official investigation into the alleged torture and ill-treatment of Andrei Osenchugov and Aleksei Shishkin at Nizhnii Novgorod pre-trial detention centre was closed. In accordance with procedural law in the Russian Federation, victims and their representatives are not granted access to case files until the end of the investigation. The Nizhnii Novgorod Committee against Torture (NNCAT) has recently been granted access to the official case files, and has passed their findings on to Amnesty International.

Andrei Osenchugov and Aleksei Shishkin were arrested on 5 March 2002 and charged with robbery. They were held at Nizhnii Novgorod pre-trial detention centre from 7 March 2002 until late October 2002. Their trial began on 1 August 2002. They were found guilty and were each sentenced to eight years' imprisonment. The two boys are currently serving their sentences in different juvenile correction facilities in the Nizhnii Novgorod region. They are not currently believed to be in danger of torture or ill-treatment.

The investigation by the Nizhnii Novgorod regional procuracy into the alleged ill-treatment and torture of the two boys was closed in November 2002 but re-opened in December 2002. In the official request for the re-opening of the case, it was stated that "international pressure" was one of the main factors which led to further investigation into the case. NNCAT have acknowledged that this largely refers to Amnesty International's campaigning on behalf of the boys. On 5 June, NNCAT sent an e-mail to Amnesty International saying, "We would also like to express our gratitude to the Urgent Action participants as well as to the AI Secretariat for support".

According to the documents seen by NNCAT, the regional procuracy's investigation found that witness statements support that Andrei Osenchugov and Aleksei Shishkin were ill-treated at the pre-trial detention centre in Nizhnii Novgorod, and there is evidence linking the ill-treatment to officers at the centre. Statements obtained from another detainee at the centre confirm that officers instigated the use of torture and ill-treatment.

Both the victims and witnesses are reported to have been subjected to threats and severe psychological pressure by officers at the pre-trial detention centre once they learnt that they were being investigated by the regional procuracy. Andrei Osenchugov's parents were advised to withdraw the claims about their son's ill-treatment. NNCAT learned that relatives of Andrei Osenchugov and Aleksei Shishkin were warned that if the investigation continued, their conditions of detention would be made unbearable and that the prisoners allegedly involved in the ill-treatment of the two boys would be killed.

According to NNCAT, due to the international attention that the case had attracted through the efforts of Amnesty International members, physical force was never used against the boys. Nevertheless, the psychological pressure exerted, coupled with threats of violence had a significant effect on the victims. Andrei Osenchugov changed his statement several times and on 13 November 2002 withdrew all previous statements alleging ill-treatment and torture with the purpose of obtaining a confession. He then signed a new statement claiming that he had invented all allegations of ill-treatment and torture. His father is reported

to have stated that when he spoke to his son on 18 November 2002, to ask why he had changed his statements, Andrei Osenchugov confirmed that the prison officers had threatened him with violence.

On 7 August 2002, one of the detainees of the pre-trial detention facility confessed to involvement in the torture and ill-treatment of the two boys and to having passed signed confessions from Andrei Osenchugov and Aleksei Shishkin to the facility's detective officer. However, on 9 August 2002, the same detainee asked to withdraw his statements, explaining that he had made them following a request from Andrei Osenchugov. The detainee was then transferred to another detention centre some distance away. When interviewed again at this new detention centre on 16 October 2002, he reverted back to his original statement and again confessed to his involvement in the ill-treatment of the two juveniles. In spite of the objections of the investigator, the same detainee was transferred back to Nizhnii Novgorod pre-trial detention facility where he again withdrew the statement he made on 16 October 2002.

On 26 November 2002, the investigation in to the alleged ill-treatment and torture of Andrei Osenchugov and Aleksei Shishkin was closed due to the withdrawal of statements made by both boys and also by the detainee who had confessed to involvement in their torture. It was reopened on 2 December 2002, due to pressure from international organisations. However, the case was again closed on 27 January 2003. The families of Andrei Osenchugov and Aleksei Shishkin have asked Amnesty International not to campaign on this case any further, due to fears for the safety of the two boys and other witnesses. However, the fact that neither they, nor witnesses or others in this case have not been protected by the authorities in any way is a cause for serious concern. Amnesty International is currently looking into ways to take further action on this issue.

No further action by the UA Network is requested. Many thanks to all of those who sent appeals on this case.