

AMNESTY INTERNATIONAL

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Russian Federation: The *Network* case, shrouded in secrecy and marred by numerous torture allegations

Amnesty International is concerned about the ongoing prosecution of at least 10¹ young men from Penza and St Petersburg, mostly left-wing political activists describing themselves as antifascists and anarchists, in connection with the so called “Network” (Set’) case. It is particularly concerning that the complaints, made by several of the co-accused, about torture and other ill-treatment allegedly being used to extract “confessions”, are not being investigated effectively.

Two of the men – Dmitry Pchelintsev and Ilya Shakurskiy – have been charged under Article 205.4, part 1, of the Russian Criminal Code (“organization of a terrorist association”) and if found guilty could face up to 20 years in prison. Eight men have been charged under Article 205.4, part 2, of the Russian Criminal Code (“participation in a terrorist association”) and if found guilty could face up to ten years’ imprisonment. In addition, two of them stand accused under Article 228.1, part 4(g) combined with Article 30, part 3, (preparation to produce and sell a large quantity of drugs) and one other – under Article 222.1, part 1 of the Russian Criminal Code (“illegal possession of explosives”). According to the agency conducting the investigation, the Federal Security Service (FSB), the *Network* had cells in Penza, St Petersburg, Moscow and Belarus. The FSB also alleges that its participants were preparing terrorist attacks during the 2018 presidential election and the FIFA World Cup to provoke a violent civil unrest.

The case started with the arrest and detention of Yegor Zorin (later transferred under house arrest after he agreed to cooperate with the investigation and had allegedly given incriminating statements against the other co-accused),² Ilya Shakurskiy, Vasilii Kuksov

¹ At the time of writing it is unclear whether criminal proceedings against one other individual are still ongoing or have been ended.

² According to the online monitoring project PolitPressing.org, on 4 September 2018 criminal proceedings against Yegor Zorin were ended: <https://politpressing.org/persons/5b3a326f6e0cb900339d2f51>. Amnesty International has not been able to verify this information from other sources.

and Dmitry Pchelintsev in Penza in October 2017. In early November 2017, Andrey Chernov was arrested in Penza, and Arman Sagynbaev was arrested in St Petersburg then remanded at a pre-trial detention facility in Penza.

On 23 January 2018, Victor Filinkov was subjected to incommunicado detention by FSB operatives in St Petersburg. He went missing and his fate and whereabouts were unknown to his family until he “reappeared” two days later in one of St Petersburg’s pre-trial detention facilities, after his detention on remand had been sanctioned by a court. On 25 January, another man from St Petersburg – Igor Shishkin – was subjected to incommunicado detention by FSB operatives in St Petersburg. He went missing and his fate and whereabouts were unknown to his family until later, when he also “reappeared” in a detention facility once his detention on remand was sanctioned by a court. On 21 January 2018, Yuliy Boyarshinov, also from St Petersburg, was arrested on suspicion of “illegal possession of explosives” (Article 222.1, part 1, of the Russian Criminal Code). On 23 January, a judge sanctioned his detention for 30 days. Yuliy Boyarshinov was placed in remand centre “Kresty-2” where he was reportedly visited by FSB operatives who pressured him to give statements against his co-accused in the *Network* case. When Yuliy Boyarshinov refused, he was transferred to another remand centre, SIZO-6, where conditions were much worse. FSB operatives reportedly continued to visit him there, subjecting him to further pressure to make him give statements against the others. Yuliy Boyarshinov, however, continued to refuse to “cooperate” and on 11 April he was also accused of participation in the *Network* under Article 205.4, part 2.

On 5 July, a court in Penza ruled that Mikhail Kulkov and Maksim Ivankin be detained on remand, on the accusation of preparing to produce and sell a large quantity of drugs. Previously, in March 2017, the two men had been detained together with the left-wing activist Aleksey Poltavets. According to Poltavets, FSB operatives tortured and otherwise ill-treated them, demanding that they give statements incriminating their friends from left-wing activist circles.

All but two of the co-accused – Yegor Zorin (see above) and Igor Shishkin (who has admitted his guilt in pre-trial proceedings) – deny participation in a terrorist organization and any wrongdoing.³ Victor Filinkov, Arman Sagynbaev, Dmitry Pchelintsev and Ilya Shakurskiy complained that investigating officials had subjected them to torture and other ill-treatment, including electrocution, to extract “confessions”. Dmitry Pchelintsev and some of the other co-accused withdrew their complaints after being subjected to an alleged new round of torture. However, Dmitry Pchelintsev later re-submitted his complaint. Others – Vasilii Kuksov, Yuliy Boyarshinov, Andrey Chernov and Maksim Ivankin – complained that they had been tortured or otherwise ill-treated, including being beaten in order to extract “confessions”. All nine of the co-accused also stated that investigating officials subjected them to other unlawful methods, including psychological pressure, as well as the intimidation of family members.

In the course of the investigation, there have been further reports of ill-treatment of the

³ The statement of the nine co-accused is available at:
<https://graniru.org/Politics/Russia/Politzeiki/m.272754.html>

co-accused, including the transfer of Victor Filinkov and Yuliy Boyarshinov to Penza, for participation in some “investigation activities”. Their transfer took a month; prisoner transportation in Russia takes place in conditions that can be classified as inhuman or degrading.⁴ At the end of November 2018, several of the co-accused remanded in Penza complained that they were being ill-treated and pressured in order to make them read their case file materials faster. One of them, Dmitry Pchelintsev, went on hunger strike in protest against this pressure.⁵

One of the co-accused, Arman Sagynbaev, is seriously ill and reportedly has been denied necessary medication.

One other person, Ilya Kapustin, claims he had also been abducted and tortured by the FSB operatives but was later released as he was a witness rather than a suspect in the case. He has now had to leave the country fearing further persecution and has submitted a case to the European Court of Human Rights (ECtHR) under Article 3 (Prohibition of Torture) and Article 5 (Right to Liberty and Security) of the European Convention on Human Rights, after the Russian Investigation Committee (a stand-alone government agency conducting criminal investigations) had refused to open a criminal investigation into his complaint regarding use of torture. Victor Filinkov’s complaint was rejected on domestic level too and in September 2018 he also took the case to the ECtHR.

While Igor Shishkin did not officially complain about use of torture, members of the St Petersburg Public Monitoring Commission for the Oversight of Places of Detention (ONK, an independent mechanism whose members are allowed to visit detainees but not to discuss their cases with them) visited him in the pre-trial detention facility shortly after his arrest and documented signs of torture and other ill-treatment. They also documented torture and other ill-treatment of another of the co-accused, Victor Filinkov.⁶ The ONK members also visited Yuliy Boyarshinov in pre-trial detention in St Petersburg and were concerned about the pressure he had been subjected to.

An Amnesty International researcher met with the ONK members who had visited the co-accused under the *Network* case in St Petersburg and saw relevant documents. Amnesty International’s researcher also met with parents of some of the co-accused and recorded accounts of their sons’ arrests, searches of the properties, which included: allegations that

⁴ See Amnesty International’s relevant Urgent actions, available at: <https://www.amnesty.org/en/documents/eur46/8900/2018/en/> and <https://www.amnesty.org/en/documents/eur46/9346/2018/en/>. For more on prisoner transportation in Russia, see Amnesty International, *Prisoner Transportation in Russia: Travelling into the Unknown*, report, 25 October 2017, Index number: EUR 46/6878/2017, available at <https://www.amnesty.org/en/documents/eur46/6878/2017/en/>.

⁵ See at: <https://ovdinfo.org/news/2018/12/02/figurant-dela-seti-obyavil-golodovku>. On 4 December, Dmitry Pchelintsev stopped his hunger strike after his demands had been satisfied. See at: <https://www.novayagazeta.ru/articles/2018/12/05/78826-figurant-dela-seti-dmitriy-pchelintsev-prekratil-golodovku-ego-trebovaniya-udovletvoreny>.

⁶ ONK report is available at: <http://onkspb.ru/posts/32-zaklyuchenie-rabochei-gruppy-onk-po-obraschenijam-o-pytkah-v-ufsb-rf-po-spb-i-lo.html>.

in some cases weapons and ammunition had been planted by the operatives, examples of pressure, and information regarding the conditions of detention. The Amnesty International researcher also met with the lawyers of some of the co-accused. They could not discuss the details of the criminal case after signing, on the FSB's demand, an official undertaking not to divulge information. However, they could recount some details regarding their clients' conditions in detention and/or instances of ill-treatment. All of these accounts were credible and consistent.

There is a clear pattern of the Russian authorities' use of anti-extremism and anti-terrorism legislation and criminal proceedings for the purposes of cracking down on government critics and dissenting voices. This pattern has been well documented by Russian and international human rights monitors, including Amnesty International.⁷

The secrecy in which the *Network* case is shrouded gives rise to further concerns. Trials should be open to members of the public, unless there are *exceptional* legitimate grounds to restrict some of the court hearings. The restrictions must serve a legitimate and genuine purpose. Such a purpose would have to have demonstrable effect, such as for example to protect the country's capacity to respond to the use or threat of force, whether from an external source, such as a military threat, or an internal source, such as incitement to violent overthrow of the government. Court hearings must not be closed in their entirety. Should there be legitimate grounds to close any part of the trial, the above high threshold would have to be fully met.

From the very start, the FSB demanded that the defence lawyers sign an official undertaking not to divulge information. Even court hearings to extend the detention of the co-accused have been closed to members of the public. Such secrecy is conducive to breaches of human rights, including the right to a fair trial. There is no independent way of verifying whether the co-accused are reasonably suspected of recognisable crimes or whether the case against them is politically motivated. The secrecy surrounding it gives rise to reasonable suspicions that the prosecution may be relying on false and other inadmissible evidence, including incriminating statements extracted under torture and other ill-treatment. It is noteworthy that the allegations of the use of torture and other ill-treatment against the co-accused and witnesses are numerous and mutually consistent.

Amnesty International is urging the Russian authorities to review the *Network* case and if the evidence received during such review demonstrates that the case was, indeed, fabricated, all charges against the co-accused individuals must be dropped and they must be immediately released. If there are legitimate grounds to continue their prosecution, the Russian authorities should fully respect the right to a fair trial and, amongst other things,

⁷ See, for example, Amnesty International Public statement "Russia: Unfounded criminal prosecution of peaceful protesters in Rostov-on-Don", 13 November 2018, AI Index number EUR 46/9384/2018, available at: <https://www.amnesty.org/en/documents/eur46/9384/2018/en/> ; Amnesty International Press release, "Crimea: Lawyer detained in latest campaign of harassment of human rights defenders", 6 December 2018, available at: <https://www.amnesty.org/en/latest/news/2018/12/crimea-lawyer-detained-in-latest-campaign-of-harassment-of-human-rights-defenders/>

open the trial in the *Network* case to members of the public.

The Russian authorities should also immediately, effectively and impartially investigate all allegations of torture and other ill-treatment in the *Network* case and bring all those found responsible to justice in fair trial proceedings.

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