

8 August 2003

Aleksei Mikheev
Russian Federation

“They brought out an apparatus, some kind of box with wires and plugged it into a socket. One of them held me, while the second attached the wires to my ears and turned on the power. After a little while they turned it off. They turned it on and off periodically and in the intervals asked me whether I would confess or not. They continually increased the length and force of the shocks. And when I could bear it no longer, I confessed to the murder and said that I would sign everything... Then they started to torture me further... At that moment, when I was almost unconscious... I jumped up and leapt out of the window.”

Aleksei Mikheev.

At the time of his arrest on 10 September 1998, Aleksei Mikheev was a part-time student who also worked for the traffic police. He was arrested in the city of Nizhnii Novgorod on suspicion of raping and murdering a 17-year-old girl. Ten days later, reportedly after several sessions of prolonged electro-shock torture at Leninskii district police station, Aleksei Mikheev jumped through the third floor window of the police station and fractured his spine. The lower part of his body is now paralysed. The girl he was alleged to have murdered appeared unharmed later on the day he jumped from the window and the investigation was closed.

Two different criminal cases were opened against police officers after Aleksei Mikheev filed a complaint about his treatment with the Nizhnii Novgorod procuracy. The first related to allegations that three officers at the Bogorodsk police station where Aleksei Mikheev was first held falsified a police report brought against. The Pavlovo town procuracy in the Nizhnii Novgorod region has been conducting the investigation which has been opened and closed several times. When the case was closed in July 2002 for the penultimate time, the Pavlovo town procuracy stated that the investigation had collected sufficient evidence to prove that the three officers had committed a crime under article 292 of the Criminal Code of the Russian Federation “forgery by an official or public servant”. However, under the Criminal Code, this offence is not considered to be a grave crime and therefore the suspect must be prosecuted within two years of the offence or the person is freed from criminal responsibility. As more than two years had elapsed since the crime was committed, the criminal case was closed. The case was again reopened and then closed in October 2002.

The second criminal case was opened on 21 September 1998 by the Leninskii district procuracy against a number of police officers of that district for allegedly driving Aleksei Mikheev to attempt suicide. This initial investigation was closed two months later owing to “lack of evidence”. A number of other investigations into the case have been opened and closed by various procuracies in Nizhnii Novgorod and the region. Most recently, the Nizhnii Novgorod (Nizhegorodskii) regional procuracy is reported to have closed the investigation on 28 November 2002. Following appeals from the non-governmental organisation; the Nizhnii Novgorod Committee against Torture, the Nizhnii Novgorod regional procuracy re-opened the investigation. This investigation is currently still pending.

In addition, Aleksei Mikheev lodged a civil suit seeking damages on 19 December 2001. In the context of the civil case, despite requests that access to the files of the criminal investigations to be made available to the court considering the civil suit, access to the case files has not been forthcoming. As a result, Aleksei Mikheev's lawyer requested that consideration of the civil case be postponed until such time as the case files of the criminal investigations are made available. The civil procedure was therefore suspended on 23 October 2002.

In November 2001, an application was lodged with the European Court of Human Rights alleging that Aleksei Mikheev's rights under the European Convention on Human Rights were violated. The European Court has reportedly indicated that case will be considered in 2003, in recognition of the deteriorating state of the applicant's health.

Despite these investigations into the incident, and much evidence supporting his allegations, no one has been prosecuted, charged or suspended from duty for the torture of Aleksei Mikheev.

TAKE ACTION NOW!!

Please send appeals immediately:

- urging that officers from the Bogorodsk police station reasonably suspected of criminal conduct in the case of Aleksei Mikheev be brought to justice in the course of a fair trial which meets international standards of fairness;
- urging for the investigation into the allegations that the actions of certain police officers at the Leninskii district police station drove Aleksei Mikheev to attempt suicide to be conducted in an thorough, impartial and effective manner;
- calling on the authorities to ensure that any police officers reasonably suspected of responsibility for the torture and ill-treatment of Aleksei Mikheev are brought to justice in the course of a fair trial in line with international standards;
- urging the Nizhnii Novgorod and Pavlovo Town procuracies to make the materials related to all completed criminal investigations concerning the treatment of Aleksei Mikheev and its aftermath available to the court considering the civil suit.

Send appeals to:

Pavlovo Town Procuracy

Procurator Sergei Lebedev

Ul. Lomonosova 25

g. Pavlovo

606130 Nizhnii Novgorod

Russian Federation

No fax available

Salutation: Dear Procurator

Nizhnii Novgorod (Nizhegorodskii) Regional Procuracy

Procurator Vladimir Demidov

Pl. Gorkovo 6

603076 Nizhnii Novgorod

Russian Federation

Fax: +7 8312 34 30 33 (If someone answers say "fax please")

Salutation: Dear Procurator

Copies to:

Procurator General of the Russian Federation

Vladimir Ustinov
ul. Bolshaya Dimitrovka, 15a
103793 Moscow
Russian Federation

Fax: +7 095 292 88 48

Salutation: Dear Procurator General