

Volodymyr Chekrygin, Crimean Human Rights Group**Working session 11: Rule of law II, including prevention of torture****Impunity for torture as a result of the occupation of Crimea by the Russian Federation**

The human rights organizations including the Crimean Human Rights Group, record on a regular basis cases of severe violation of the OSCE member-state human rights commitments by the Russian Federation on the territory of the occupied Crimea. These are also numerous facts of violating the ban on tortures and other cruel, inhuman or degrading treatment or punishment.

First of all, this refers to the politically reasoned cases against the Ukrainian nationals.

This year a part of Ukrainian nationals kept unlawfully by the RF has returned to Ukraine.

As a result, the human rights experts have become aware of new facts that could not have been declared earlier due to the threat of being punished by penitentiary establishment staff.

For instance, when Mr Volodymyr Balukh, a political prisoner, had been released, a video of his evidence made during his staying in the general regime colony no 4 (Torzhok, Tver Region) was demonstrated.

Mr Balukh described in detail the tortures he suffered in the Detention Center no 1 of Tver City and the colony no 4 of Torzhok Town after, in disregard of the Geneva IV Convention, he had been unlawfully moved from the territory of occupied Crimea to Russia.

On March 15th 2019 Mr Balukh was tortured by Tver Detention Center no 1 staff. The Ukrainian was beaten in heels and in the kidney area, a wet pillow-case was put on his head and then he was beaten in ears. He was given also about 150 electric shocks in back, buttocks, and legs. The tortures were accompanied with sexual violence elements: the electric shocker was pushed in the victim's anus. This outrage lasted for about half an hour.

On March 28th 2019 he was convoyed to the colony no 4 of Torzhok Town. Once he arrived he was beaten by a group of 8-10 colony employees. All the strikes were given from the back, while he was standing face to the wall and straddled that made him suffering an extreme physical pain by itself. He was beaten in the area of kidneys and liver.

Mr Balukh was regularly placed for 15 days in the special punishment cell due to faked reasons, as he failed to greet a colony employee, his prison suit was in disorder, etc.

The temperature in the punishment cell was 16°C maximum, and due to hypothermia he started feeling acute pain in the joints, and got permanent headaches.

As a result, his health condition has seriously worsened and he is still at hospital in Kyiv.

On August 15th Mr Volodymyr Prisich, one of so called 'Ukrainian Commandos Case' defendants, was released from the colony since his sentence expired, and returned to Ukraine.

Mr Prisich was detained in Sevastopol in 2016 by people in masks without any identification signs and, with sack on the head, convoyed to Simferopol.

He was tied to the chair, and wires were fastened to his toes. Torturing with electric current lasted at least eight hours to force him make a video confession. The record with his confessing collaboration with the Ukrainian Intelligence Service was made the next day. The episode

broadcast in the RUSSIA 1 Channel piece lasts less than a minute and has a lot of splices. In fact, it was recorded for two hours because Mr Prisich, due to suffered tortures and under unknown medicines, lost conscience many times and could hardly read a text prepared by the secret service staff.

Then the secret service denied espionage accusations, and the drugs were planted in his car, instead. So, the Ukrainian was accused under RF CC Article 228.2 (unlawful purchase, storage. Transportation, production, and processing of narcotic drugs), that was a fake case.

Though the defence made statements on torturing, the fact was not investigated, and the guilty were not brought to justice.

Another 'Ukrainian Commandos Case' defendant – Mr Yevgenii Panov released this September, was also subject to the similar tortures with electrical current. In addition to the fact that he was also forced to make a video confession, he was made reject a lawyer engaged by his relatives in favor of appointed counsel.

Later, the Panov's defence, as well as in the case of Mr Prisich, was denied by the RF authorities to investigate the fact of torturing during the investigation stage.

Isn't this a symbol that these RF authorities' actions violate the OSCE commitments on the human dimension adopted in Moscow in 1991. Pursuant to this document, the powers shall commit to take effective measures on preventing the law enforcement bodies to use custody or imprisonment for the purpose of forcing a person to confess, to self-accuse or testify against another person. The document describes also the authorities' duties on considering the complaints of tortures.

Due to the occupation of Crimea by the RF and as the RF considers the peninsula its territory, it does not recognize a mandate of the international institutions to work in Crimea as a part of Ukraine. Thus, the victims are deprived of standard international tools for protection against tortures.

Such conditions have made torturing and cruel treatment a routine practice used by the Russian police and the FSB. These methods help the peninsula authorities de facto force the detained to make confessions, push them to agree on plea deals, reject the services of contracted lawyers in favor of appointed counsels who collaborate with the FSB.

Recommendations for the RF authorities:

- To stop moving unlawfully the Ukrainian nationals from the occupied Crimea to the territory of Russia
- To stop using tortures, to investigate effectively the cases of torturing, to bring the guilty of using the tortures to justice, and to release immediately all political prisoners kept unlawfully in the Crimea occupied by Russia
- To allow the international institutions holding a mandate to operate in Ukraine, including the OSCE Special Monitoring Mission to Ukraine, to work in Crimea
- To allow independent medical experts to examine Ukrainian nationals kept in the places of unfreedom in Russia and on the territory of occupied Crimea
- To stop a politically reasoned persecution of Ukrainian nationals and to release without any conditions the victims of such persecution