

# Deaths and Torture in Russian Prisons and the Military: an Overview of Relevant Law and Practice

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# Sources of information

What is available:

1. **UN documents.** In particular, a compilation of reports and reviews by the Office of the High Commissioner for Human Rights on the Russia's country page: <https://www.ohchr.org/en/countries/russian-federation> and reports by the Special UN Rapporteur on the situation of human rights in the Russian Federation (a special procedure mandated in October 2022): <https://www.ohchr.org/en/specialprocedures/sr-russian-federation>
2. **Council of Europe documents.** In particular, case-law by the European Court of Human Rights on Articles 2 and 3 of the European Convention on Human Rights and reports by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment: <https://www.coe.int/en/web/cpt/russian-federation>

# Sources of information

3. Relevant Russian legislation

4. Reports and reviews by international and/or national NGOs, in particular:

- Komanda protiv pytok (Team Against Torture) <https://pytkam.net/> (declared “foreign agent”)

What is missing:

1. National statistics
2. Access to most official sites of the Russian government (including the site of the Constitutional Court and other courts)

# International protection of the right to life and prohibition of torture

1. Council of Europe [formerly]
2. The United Nations [ongoing]



# COUNCIL OF EUROPE: Convention for the Protection of Human Rights and Fundamental Freedoms, 1950

## ARTICLE 2

### Right to life


1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law. ...

## ARTICLE 3

### Prohibition of torture

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Judicial mechanism of control over Russia's compliance with the above provisions was ensured by the European Court of Human Rights




# COUNCIL OF EUROPE: European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 1987

1. No “substantive” provisions;
2. Applies only to people “deprived of liberty”;
3. Establishes an additional, non-judicial, mechanism of control:

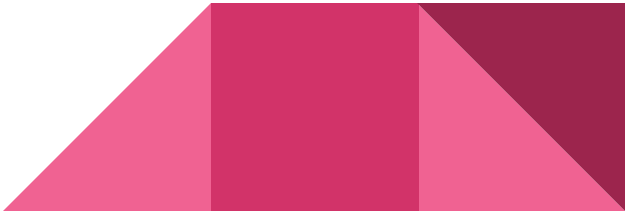
## Article 1

There shall be established a European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment [...]. The Committee shall, by means of visits, examine the treatment of persons deprived of their liberty with a view to strengthening, if necessary, the protection of such persons from torture and from inhuman or degrading treatment or punishment.



## COUNCIL OF EUROPE: ECHR's general approach and its case-law in respect of Russia

Deaths and tortures in **prisons** (including “temporary” detention facilities and facilities where convicted persons would serve their sentences) and during **mandatory military service** (excluding active military actions): in both cases people are “de facto” deprived of their liberty and, therefore, the ECHR bases its analysis on the **presumption of the State's responsibility** for a person's death or damage to health.



## Article 2 Examples

1. Deaths as a result of lack of medical assistance: the Magnitskiy case (prison) (<https://hudoc.echr.coe.int/eng?i=001-195527>); the Plokhovy case (conscript) (<https://hudoc.echr.coe.int/?i=001-206605>);
2. Suicides as a result of hazing in the army: the Perevedentsevy case (<https://hudoc.echr.coe.int/?i=001-142516>); the Khudoroshko case (<https://hudoc.echr.coe.int/eng?i=001-195527>); the Filippovy case (<https://hudoc.echr.coe.int/?i=001-216628>).
3. Death as a result of ill-treatment by a police officer: the Maslova case (<https://hudoc.echr.coe.int/?i=001-171441>);
4. Disappearances after being detained (especially, in zones of armed conflicts).

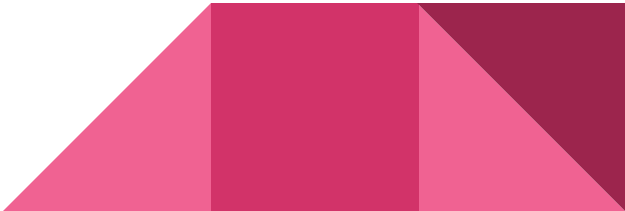


## Article 3 Examples

1. Conditions of transport: cases of Idalov (2012 <https://hudoc.echr.coe.int/eng?i=001-110986>) and Tomov (2019 <https://hudoc.echr.coe.int/eng?i=001-192209>) - **a systemic problem** (WECL- repetitive cases) (<https://www.svoboda.org/a/29879244.html>);
2. Conditions of detention (including inadequate medical treatment): cases of Ananyev (pre-trial detention <https://hudoc.echr.coe.int/eng?i=001-108465>) and Sergey Babushkin (post-conviction detention <https://hudoc.echr.coe.int/eng?i=001-138578>) - **a systemic problem** (WECL);
3. “Pure” torture or ill-treatment:
  - electric shock: the Mikheyev case (<https://hudoc.echr.coe.int/?i=001-72166>);
  - Beatings: the 2018 “Yaroslavl” case (communicated, but no decision <https://hudoc.echr.coe.int/eng?i=001-188498>; <https://www.bbc.com/news/world-europe-55004413>)
  - sexual violence: S.P. and others (<https://hudoc.echr.coe.int/eng?i=001-224435>) + Saratov prison rape scandal ([https://bbc.com/news/world-europe-62465043?at\\_custom2=facebook\\_page&at\\_custom1=%5Bpost+type%5D&at\\_medium=custom7&at\\_custom4=63B7C734-18C3-11ED-85F8-D17696E8478F&at\\_campaign=64&at\\_custom3=BBC+World+Service](https://bbc.com/news/world-europe-62465043?at_custom2=facebook_page&at_custom1=%5Bpost+type%5D&at_medium=custom7&at_custom4=63B7C734-18C3-11ED-85F8-D17696E8478F&at_campaign=64&at_custom3=BBC+World+Service))

# Obligation to investigate

If a death or plausible allegations of torture concern prison detainees or conscripts, the only way for a State to reverse the presumption of its responsibility for it is to carry out an effective investigation:

- independent,
  - prompt,
  - public,
  - reasonable and thorough,
  - capable of leading to conviction.
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# Violation by Article & by State - 1959 - 2022

1959-2022	Total number of judgments Judgments finding a violation Friendly settlements/Striking-out Other judgments <sup>1</sup> Right to life – deprivation of life Lack of effective investigation Inhuman or degrading treatment Prohibition of torture <sup>2</sup> Conditional violations <sup>3</sup> Prohibition of slavery/t Right to									
	Total	Total	Total	Total	Total	2	2	3	3	3
Albania	94	78	7	2	7			2	1	4
Andorra	9	4	3	1	1					
Armenia	174	163	6		5		9	12	1	22
Austria	408	286	81	24	17				1	4
Azerbaijan	274	263	3	2	6		7	15	3	30
Belgium	298	211	53	18	16		3	2	1	29
Bosnia Herzegovina	115	108	7						1	2
Bulgaria	801	723	52	5	21		16	31	4	91
Croatia	506	406	66	27	7		3	12		20
Cyprus	92	76	9	3	4			3		10
Czech Republic	246	197	27	13	9		1	1		2
Denmark	65	22	31	11	1					1
Estonia	68	49	17	1	1					8
Finland	192	142	36	9	5		2			2
France	1,087	785	200	64	38		9	4	2	47
Georgia	143	118	21	1	3		6	10	1	30
Germany	363	202	133	13	15					5
Greece	1,082	969	45	20	48		5	9	1	125
Hungary	649	612	21	6	10		2	1		46
Iceland	39	27	8	3	1					
Ireland	41	25	11	1	4					1
Italy	2,493	1,915	81	355	142		6	20	9	36
Latvia	164	130	29	3	2		1	3		19
Liechtenstein	10	8	2							


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	Total	Total	Total	Total	Total	2	2	3	3	3
Lithuania	250	173	58	13	6		3	6		33
Luxembourg	52	37	12	3				1		
Malta	138	106	20		12		1			4
Republic of Moldova	575	492	44	5	34		4	17	9	114
Monaco	4	3	1							
Montenegro	71	65	4		2			1		4
Netherlands	177	98	51	16	12				4	1
North Macedonia	191	168	15	3	5		2	2	3	6
Norway	72	45	27							
Poland	1,254	1,057	137	42	18		7	9	2	67
Portugal	373	285	23	56	9		2	6		4
Romania	1,754	1,541	91	48	74		14	59	2	380
Russian Federation	3,500	3,317	121	18	44		363	419	89	1,190
San Marino	22	14	5	2	1					
Serbia	244	217	19	1	7			3		7
Slovak Republic	422	378	13	22	9		3	3	1	6
Slovenia	377	346	24	4	3			3		21
Spain	206	143	56	3	4			1		1
Sweden	157	62	62	28	5		1		1	4
Switzerland	223	131	84	5	3		1	2		2
Turkiye	3,900	3,458	100	219	123		143	225	31	348
Ukraine	1,840	1,800	23	4	13		14	78	22	383
United Kingdom	567	329	146	69	23		2	20	2	17

# Council of Europe

Six months after its exclusion from the Council of Europe on 16 March 2022, the Russian Federation ceased to be party to the European Convention on Human Rights on 16 September 2022.

On 30 October 2025, the Russian authorities officially informed the Council of Europe that they were denouncing the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The denunciation will enter into force on 1 November 2026.

In reality, the Russian Federation did not act upon any of its obligations since March 2022.



# International Covenant on Civil and Political Rights, 1966 [UN]

## Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life. ...

## Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. ...



# UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984

## Article 1

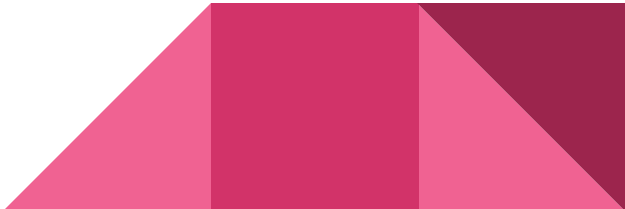
1. For the purposes of this Convention, the term "torture" means **any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted** on a person **for such purposes** as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, **when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity**. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

# National protection of the right to life and prohibition of torture

Russian legislation: criminal liability for

1. murder and causing injuries;
2. “excess of power” or “exceeding official authority” (which includes offences related to “regular corruption”)

However:


1. no separate criminal offence of torture (requested by the UN CAT for the last 20 years);
  2. does not address acts inflicted by public officials and “other persons acting in an official capacity”;
  3. the sanctions are inadequately low;
  4. no statistics (as no separate criminal offence of torture).
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# UN's assessment of the situation with deaths and tortures in Russia

A/79/508 (11 October 2024): Situation of human rights in the Russian Federation - Report of the Special Rapporteur on the situation of human rights in the Russian Federation, "Torture in the Russian Federation: a tool for repression at home and aggression abroad":

"... the **widespread and systematic** use of torture and ill-treatment, **committed with impunity** in the Russian Federation..."

"... torture and other cruel, inhuman or degrading treatment or punishment are used as **State-sanctioned tools for systemic oppression** in the Russian Federation. In particular, they are used extensively by law enforcement authorities to stifle dissent and are rife in police custody and administrative detention, including for the purpose of extracting confessions during initial detention. They are infamous **features of the Russian penitentiary system.**"





YOU!

THANK

