

St. Petersburg regional human rights organization

SOLDIERS' MOTHERS OF SAINT-PETERSBURG

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OHCHR REGISTRY

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Attn.: Secretary to the Committee against Torture

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SHADOW REPORT ON TORTURE RELATED PRACTICES IN THE RUSSIAN ARMY

(I) Introduction

1. The Committee against Torture (hereinafter, “the Committee”) is scheduled to review the fifth periodic report submitted by the Russian Federation (CAT/C/RUS/5) pursuant to article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter, “the Convention”) at its forty-ninth session in October-November 2012.
2. Pursuant to rule 63 of its rules of procedure the Committee may wish to receive information, which is relevant to its activities, from relevant civil society organizations.
3. The source of this submission is the NGO “Soldiers’ Mothers of St. Petersburg” with the aim of supplying the Committee with documented information about torture-related practices in the contemporary Russian Army and the legal assessment thereof.
4. In the course of its previous review of Russia’s performance under the Convention, in 2006, the Committee expressed concern at the continuing reports of hazing in the military (*дедовщина*) and other torture-related practices in the armed forces conducted by or with the consent, acquiescence or approval of officers or other personnel (CAT/C/RUS/CO/4, § 10a). The Committee went on to urge the Russian Federation to apply a zero-tolerance approach to this continuing problem in its armed forces and to take immediate measures of prevention and ensure prompt, impartial and effective investigation and prosecution of such abuses (*ibid.*, § 10 *in fine*). In particular, the Russian Federation was urged to ensure the protection of victims and witnesses of violence in the armed forces and establish a rehabilitation program including appropriate medical and psychological assistance (*ibid.*).
5. A similar problem has been highlighted by the Committee in respect to other republics of the former Soviet Union. For example, at its 48th session in May 2012, the Committee expressed its concern at the hazing, ill-treatment and numerous non-combat deaths in the armed forces of Armenia (CAT/C/ARM/CO/3, § 9).
6. The issue of torture-related practices in the Russian Army was also raised in its list of issues prior to reporting sent to the Russian authorities in preparation for the present

review (CAT/C/RUS/Q/5, § 3g). It is, however, regrettable that these issues were not sufficiently covered in the State report.

7. This report's aim is therefore to supply the Committee with the documented information about torture-related practices in the Russian armed forces collected on the ground, with particular emphasis on practices which have not yet received sufficient international attention such as involuntary labor and slavery among the military, as well as involuntary psychiatric treatment imposed on soldiers.

(II) Torture, cruel, inhuman and degrading treatment or punishment in the armed forces

8. *Soldiers' Mothers of St. Petersburg* continue to record well-founded cases of torture, cruel, inhuman and degrading treatment or punishment in the armed forces. These practices constitute violations of **articles 1 and 16** of the Convention. Below are only some of the examples documented by our organisation.
9. In December 2009, *Soldiers' Mothers of St. Petersburg* were contacted by the mother of Mr Egor SHAFRANOV who had been beaten up by his fellow soldiers in the very first night of his stay at military unit no. 22558 located in the village of Novoseltsy, Novgorod Region. On 9 April 2010, the deputy military prosecutor of St. Petersburg wrote to *Soldiers' Mothers of St. Petersburg* in connection with the case of Mr Shafranov. The military prosecutor confirmed that Mr Shafranov had to leave military unit no. 22558 due to continuing ill-treatment there. When he returned to the military unit, he complained about ill-treatment. The military investigators initiated criminal proceedings against a certain Z. who was accused of beating Mr Shafranov at night. Mr Shafranov, due to the pressure from *Soldiers' Mothers of St. Petersburg*, was demobilized.
10. In January 2010 *Soldiers' Mothers of St. Petersburg* were contacted by Mr Sergei NOVIKOV who complained about ill-treatment by his fellow soldiers at military unit no. 75752. He was able to identify his alleged assailants by name.
11. In October 2010, *Soldiers' Mothers of St. Petersburg* were contacted by Mr Alexander POLYAKOV who alleged hazing at military unit no. 20697 (military intelligence) in St. Petersburg. He gave a written statement explaining in detail how he had been beaten up and ill-treated by senior military servicemen in July-September 2010. He was sent to the hospital but, fearing that he might be returned to military unit no. 20967, had to leave it. Mr Polyakov's statement together with accompanying documentation was forwarded by *Soldiers' Mothers of St. Petersburg* to the military prosecutors. In November 2010, due to the pressure from *Soldiers' Mothers of St. Petersburg*, Mr Polyakov was demobilized.
12. In February 2010, *Soldiers' Mothers of St. Petersburg* were contacted by the mother of Mr Rudolf PALENOV who complained about severe ill-treatment inflicted on her son by fellow military servicemen at military unit no. 74268 in Pskov. In particular, she observed numerous bruises on his face when visiting him at the military unit. According to Mr Polenov's statement, he was on numerous occasions severely beaten up by senior soldiers in January-February 2010. The complaint about this crime was sent to the Leningrad circuit military prosecutor's office.

13. In January 2010, *Soldiers' Mothers of St. Petersburg* were contacted by Mr Ivan PTITSYN who was forced to leave military unit no. 95041 in St. Petersburg due to persistent beatings there. He described the details of the ill-treatment he had to endure at the hands of his immediate commanders, detailed in his letter to the prosecutor's office of the navy, on file with *Soldiers' Mothers of St. Petersburg*.
14. In August 2010, *Soldiers' Mothers of St. Petersburg* were contacted by Mr Egor KHOKHLOV who had to leave military unit no. 02511 in Kamenka, Leningrad Region. According to his written statement, he was beaten up by his fellow soldiers who also forced him to run around wearing a gas mask. He referred to his assailants by name and explained that the beatings were part of an extortion campaign rampant in the military unit.
15. In February 2011, *Soldiers' Mothers of St. Petersburg* were contacted by Mr Asker ALIEV who explained how he had been severely beaten up by his fellow soldiers in military unit no. 13821 in Chernaya Rechka, near St. Petersburg.
16. In December 2011, *Soldiers' Mothers of St. Petersburg* were contacted by the mother of Mr Sergei BELOV who had been repeatedly beaten by more senior soldiers in the military unit no. 20634 stationed in the Northern Ossetia following his refusals to submit to their illegal demands.
17. In June 2011, *Soldiers' Mothers of St. Petersburg* learnt about the situation of Mr Sergei DEVYATILOV who had been transferred to the emergency unit of the military hospital allegedly following his severe beatings at military unit no. 20506, that is aboard a military vessel near Murmansk. On 21 July 2011, military prosecutors from Murmansk wrote to the chairperson of *Soldiers' Mothers of St. Petersburg* in connection with the case of Mr Devyatilov, informing them that criminal proceedings involving charges of aggravated and violent abuse of office were initiated against another sailor from the same vessel.
18. In September 2011, *Soldiers' Mothers of St. Petersburg* were contacted by Mr Evgeniy RADEEV who related the following about his service at military unit no. 73845 in Toksovo, Leningrad Region. Since the beginning of August 2011, Mr Radeev was being harassed by a certain soldier Z. who insisted that Mr Radeev would be at his service. On 10 August 2011, Z. severely beat Mr Radeev up for his failure to serve him a cup of tea. Similar incidents occurred on 12-14 August 2011 when Z. found imagined violations of discipline allegedly committed by Mr Radeev and severely beat him as an immediate consequence of this perceived disobedience. Z. also demanded that Mr Radeev regularly give him money and buy cigarettes for him. The same happened during the rest of August 2011 and in the beginning of September 2011. Z. also intentionally tore Mr Radeev's uniform, forcing Mr Radeev to urgently repair it to avoid being disciplined for the loss of his uniform. Beatings became harsher with the use of fists and legs, Mr Radeev had to leave the military unit. His detailed testimony was forwarded by *Soldiers' Mothers of St. Petersburg* to justice colonel Kiryanov, head of the military office of the Russian investigative committee in St. Petersburg.

19. In June 2011, *Soldiers' Mothers of St. Petersburg* were contacted by the mother of Mr Alexander BIKMURZIN. According to the information received, Mr Bikmurzin had been serving in military unit no. 90450 stationed near Bolshaya Izhora in the Leningrad Region where he was constantly and repeatedly beaten up by his fellow soldiers.
20. Most of the soldiers who had fallen victim to violent hazing explained that beatings were due to their refusal to hand over their money and/or valuable personal belongings (such as cell phones) to older servicemen. As such, these acts were usually part of widespread extortion which is endemic in the Russian army. Similar patterns of beatings are reported (beatings with fists through victim's hands placed on his head to avoid bruising). In some cases beatings serve as retaliation to soldiers who failed to obey or were perceived as failing to obey the informal "rules of the game" pursuant to which "younger" soldiers (who have served less time) should submit to power and are frequently left at the mercy of the "older" ones (who have served for longer).
21. In our experience, in most instances of beatings in the army and other types of violent hazing, elements of coercion and intimidation inflicted by those who are of higher military rank or who are perceived as being more senior are present. Hence these cases should be classified as torture within the meaning of article 1 of the Convention.

(III) Failure to investigate torture and ill-treatment, prosecute and punish those responsible

22. Impunity for torture-related practices is a systemic problem which is in direct contradiction of **article 12** of the Convention.
23. Although article 117 of the Russian Criminal Code now refers to torture (although this definition is not in full compliance with article 1 of the Convention), in over fifty cases of attempts to investigate and prosecute torture-related practices which *Soldiers' Mothers of St. Petersburg* followed up in 2009-2011, no one was convicted under this provision.
24. Convictions for torture-related practices which were secured concerned mostly lower-ranking perpetrators who received sentences without actual imprisonment (such as fines or suspended prison sentences). An important overview of some investigation attempts can be found in chapter 2 "Impunity" of "The Black Book" by Andzej Belovranin published in St. Petersburg in 2011 with support of the Nordic Council of Ministers and in co-operation with *Soldiers' Mothers of St. Petersburg*.
25. For example, in 2009 Mr Artyom DOGA complained about the beatings by Sergeant K. at the military unit in Sapyorny Village (Leningrad Region). Mr Doga testified as follows: "I was hit in the neck every day for the smallest fault, even for placing my boots crookedly... On 26 May [2009] I was hit in the head with a bolt carrier from a machine gun by Sergeant K. because he asked me for a rag and I did not have one. I was also hit in the back with a stick for crawling poorly... On 3 June 2009, Sergeant K. hit me in the kidneys. On that day he also threatened to kill me".
26. Mr Doga was also beaten up by others, as he testified: "On 2 June [2009] I received several blows from E.M. namely in the chest and face and my head was hit against a cupboard because I avoided a blow to the neck and wanted to defend myself... From

contract soldier L. I received several blows to the neck which practically left me unconscious. This happened because I didn't bring beer back from the car because when I reached the car the beer was not there. In the morning of 3 June 2009 I was beaten up for dressing too slowly: I was hit in the kidneys and the neck...". Unable to tolerate beatings and harassment any further, Mr Doga chose to leave the military unit.

27. However, on 25 June 2009, military investigator justice Lieutenant Danilov refused to initiate criminal proceedings with the following reasoning: "Over the course of the preliminary examination [Mr Doga's] allegations remained unsubstantiated. L. explained that from the very beginning of his service [Mr Doga] showed himself to be against everything, complained all the time that the physical exercises in the reconnaissance platoon were more difficult than in others... although he was placed in that platoon at his own request... On 3 June 2009, Mr Doga had cuts on his face and neck at morning call. When asked about the origins of the cuts Mr Doga answered [according to L.] that he had cut himself while shaving... [According to K.] physical violence was never used against Doga. However, he always complained that he did not like serving in the army".
28. The military investigator attempted to portray Mr Doga as a lazy soldier who was unwilling to serve and whose injuries, bruises and abrasions were caused by "careless shaving". Most of the witnesses questioned by the investigator were those who, according to Mr Doga, participated in the beatings. No face-to-face confrontation was arranged by the investigator.
29. Mr Doga filed complaints against the 25 June 2009 decision of the military investigator citing violations of articles 3 and 13 of the European Convention on Human Rights. He also contended that no true cause of his injuries had been established, and that the witnesses' testimonies had many contradictions.
30. On 8 August 2009, the investigator's superiors from the Leningradsky Military District responded as follows: "Study of the preliminary examination file led to the conclusion that the 25 June 2009 decision taken by military investigator Danilov was legitimate and justified, and there is no reason to forward the case to another investigator". No further explanation was given.
31. Meanwhile, Mr Doga was demobilized for medical reasons, with assistance rendered by *Soldiers' Mothers of St. Petersburg*. He no longer had the strength to continue fighting for his rights. In his opinion, fighting with military prosecutors was futile and consumed too much of his strength. Thus, he chose not to lodge any further complaints, such as challenging investigator Danilov's decision before the military courts.
32. The case of Mr Konstantin PANENKOV who was serving in the village Cheryoha (Pskov Region) is also indicative. Despite the fact that Panenkov's father was a former military officer, the family was also unable to obtain justice and get redress for the aggrieved soldier.
33. Mr Panenkov was drafted in November 2008 and, according to him, from the very beginning of his service experienced beatings and abuse. But it became much worse after his return from summer break – Mr Panenkov was late as he had been in a hospital.

34. In the harsh conditions of hazing in the Russian Army, the weak and “guilty” are selected and thrown to the bottom of the bullying hierarchy. Hospitalization, even for a good reason, is considered as an attempt to dodge duty, this is seen as one of the worst “sins” because everyone wishes to spend less time in the barracks than other recruits.
35. Mr Panenkov describes the start of his ordeal in the following terms: “On 10 August 2009, the battalion was located at the training grounds near Strugi Krasnye Village [in Pskov Region]... The company commander senior lieutenant G. approached me, grabbed me by the neck with his left hand for no reason, bent me forward, and then punched me no less than three times in the face with his right hand. I bled profusely as a result of the blows I received from G. All company soldiers witnessed that incident. I received no medical assistance”. This abuse by a superior gave subordinates “permission” to do the same.
36. From the rest of Mr Panenkov’s testimony: “[On 15 August 2009] Sergeant S., who was displeased that I was sitting while on duty, wearing military boots, kicked my right side with his right foot ... I explained to S. that I was ill after which he pulled me to my feet and struck my left ear with his right hand and as a result I could not hear with that ear for a whole day and I had an awful headache”, “Sergeant M. struck me once on the right side of the head with his right hand causing me to be thrown against the wall. M. did not stop. He approached me and began to choke me. At the same time he threatened to kill me, I felt severely threatened by M. I was very frightened and began to lose consciousness, I was unable to breathe and everything became dark”.
37. On 31 August 2009, the military investigator justice Lieutenant Maslov decided not to institute criminal proceedings into the beatings “due to lack of evidence of the crime”.
38. Mr Panenkov’s father, with assistance of *Soldiers’ Mothers of St. Petersburg*, successfully appealed this unlawful decision. On 5 October 2009, the investigator’s decision not to institute criminal proceedings was quashed as illegal and unsubstantiated by military high-ranking superior. However, no investigation ensued and no assailant of Mr Panenkov was brought to justice.
39. The case of Mr Andrei SEMENOV illustrates the evident conclusion that impunity is never without consequences. Drafted in June 2009, from the day of his arrival to military unit no. 53609 stationed in the Vladimir Region, Mr Semenov was subjected to extortion and terrible beatings. His older brother Alexander testified: “Having arrived to see my brother taking his oath of duty I noticed that something had happened to him. After a long conversation he told me he needed money to give to the sergeants. On 21 June [2009] I went to Sergeant S. and promised to transfer money. He promised to use force [against my brother] if I failed to do this. [In the barracks] I saw how the sergeants demanded money and threatened to harm anyone who told their family or friends what was happening in the [unit]. They did not care from where or how the soldiers got the money, even if they had to steal it. They were required to give the money to the sergeants”.
40. Mr Semenov’s family petitioned the military prosecutor’s office in St. Petersburg. The case was handled by Mr Tomei, a military investigator, who despite the family’s requests and his own previous guarantees, forced Mr Semenov to sign a commitment to return to

- the Vladimir Region, supposedly to another military unit. When Semenov's family arrived to see the investigator, the latter began to curse them to an extent that the ambulance was called to help Semenov's mother. The details of the case were made public by *Soldiers' Mothers of St. Petersburg* upon request of the Semenov family.
41. Mr Tomei sued for defamation. On 1 April 2010, his claim was allowed in part by the Kuybyshevskiy District Court of St. Petersburg. *Soldiers' Mothers of St. Petersburg* were ordered to pay compensation to the military investigator. On 22 June 2010, the District Court's judgment was upheld on appeal by the St. Petersburg City Court.
 42. As to the investigation into Mr Semenov's case itself, it was forwarded to another investigator justice, Major Shevchuk, who questioned those whom Mr Semenov had accused of beatings and immediately "established" that "Semenov's testimony was based on his fantasies". Mr Shevchuk also indicated the following in his order: "Furthermore, Mr Semenov's actions reveal criminal elements under article 306 of the Russian Criminal Code [deliberately false report of crime] but considering that Semenov's actions did not have any negative consequences... it is not necessary to launch a criminal case against him".
 43. Thus, the message was clear – those assisting victims will pay damages, and the victim himself was threatened with prosecution for merely reporting a crime committed against him to the authorities.
 44. According to the Committee's jurisprudence, "an investigation in itself is not sufficient to demonstrate the State party's conformity with its obligations [under article 12 of the Convention]" (*Keremedchiev v. Bulgaria*, no. 257/2004, § 9.4, Decision of 11 November 2008, CAT/C/41/D/257/2004). In the cases of hazing in the Russian army most often no investigation takes place, and if it is conducted, its sole purpose usually is to exonerate those responsible and to threaten victims, their families and civil society groups helping them.

(IV) Slavery and involuntary labor in the military context

45. *Soldiers' Mothers of St. Petersburg* have observed widespread practices of unpaid use of soldiers' involuntary labor by their superiors for private purposes. In our submission, such treatment of the military servicemen constitutes inhuman and degrading treatment, in violation of **article 16** of the Convention.
46. In 2011, the Kostroma garrison military prosecutor's office confirmed unlawful use of soldiers' labor by the commander of the 307th military hospital. However, the unlawful practices of *de facto* servitude of soldiers continued there.
47. Often the soldiers are used for jobs even outside their military units. The widely known case of Anton Kuznetsov was reported several years ago by *Tagesspiegel*.
48. Another case, that of Mr Andrei POPOV, is likewise indicative. He was drafted into the army from Ershov, Saratov Region in 2000 and subsequently disappeared. In 2011 Mr Popov returned to Ershov and recalled how he had been sold into slavery in Dagestan. He had to work on construction sites and in vegetable gardens there. Instead of helping the

victim and ensuring his full rehabilitation, military authorities initiated criminal proceedings against Mr Popov. He was accused of desertion.

49. Mr Popov was forced to accept the charges leveled against him and withdraw his previous testimony about being a *de facto* slave in Dagestan. According to local civil society activists including Ms Lidiya Sviridova, chairperson of the Saratov branch of the Soldiers' Mothers Union, he changed his testimony after undergoing persistent pressure on the part of the State agents. He was also allegedly promised to be given lighter sentence. Nevertheless, Mr Popov was sentenced to two years' imprisonment.
50. When Ms Sviridova attempted to conduct her own fact finding in Dagestan, he suffered a grave injury under suspicious circumstances. Following her appearance on television outlining Mr Popov's case, Ms Sviridova was accused of extremism.
51. In 2011, another similar case became known. Mr Albert ZIAMBETOV, of the Orenburg Region, served in the same military unit in Saratov Region as Mr Popov. According to him, he was kidnapped and spent five years in Dagestan. He was looking after sheep in one of the distant villages in the Caucasian mountains.
52. Unfortunately, the military authorities' widespread attitude is to cover up the cases of *de facto* slavery in the army rather than to investigate them.
53. One of the rare but indicative exceptions is the case of Mr Nikita SIBIN. On 24 October 2011, the Balashikha Garrison Military Court convicted chief warrant officer Akulshina of exceeding her official powers. The military court found that in June 2011 Akulshina had "given" Mr Sibir and another soldier to former officer K. who used them to guard his land plot and to help him in the vegetable gardens and in the pigsty. However, the sentence imposed by the court was a meagre fine of 15,000 Russian roubles (less than 300 Euros). Mr Sibir himself received no compensation and/or rehabilitation. He was not recognised as a victim in the criminal proceedings against Ms Akulshina having given testimony only as a witness.
54. *De facto* servitude and slavery of the soldiers in the modern Russian army is an absolutely abhorrent phenomenon. It shows that soldiers are considered not as human beings but rather as a commodity.

(V) Involuntary psychiatric treatment of the military servicemen

55. Phenomenon of so-called "punitive psychiatry" was sadly common in the Soviet Union. It was widely used to silence dissidents and all those who dared to speak out against the system. Naturally, only insane individuals could have done that. Unfortunately, this abuse of psychiatric services continued after the dismemberment of the Soviet Union and was on several occasions condemned by the European Court of Human Rights and the Constitutional Court of the Russian Federation. *Soldiers' Mothers of St. Petersburg* with great concern and regret note the spreading of this type of human rights violations in the military sphere. In our opinion, baseless involuntary placement in a psychiatric hospital constitutes a form of inhuman treatment and, sometimes, punishment.

64. There is no practical provision in the Russian legal system, especially in the military context, for the victim of an act of torture and other forms of ill-treatment to obtain redress and to have a practically enforceable right to fair and adequate compensation including the means for as full rehabilitation as possible, in violation of **article 14** of the Convention. In practice, even basic medical care is not adequate for military survivors of torture.
65. In 2009 *Soldiers' Mothers of St. Petersburg* were following the case of Mr Roman KAZAKOV. On 19 September 2009, Mr Kazakov was found in a locked military vehicle at the garage of the military unit in Kamenka (Leningrad Region). He was hospitalized as he was seriously poisoned by carbon monoxide and numerous bruises and injuries were found on his body. He was in coma for six months. Meanwhile, no meaningful investigation was conducted into the incident. Mr Kazakov has now regained conscience and together with his family is trying his best to rebuild his life.
66. The Ministry of Defense, however, refuses to provide requisite medical assistance although Mr Kazakov badly needs costly medical rehabilitation in order to ensure restoration of all brain functions.
67. In 2010 Mr Roman SHEMAKIN was badly beaten by other soldiers in a military unit stationed in the Moscow Region. Instead of ensuring that medical assistance is rendered to him, his superiors allegedly dressed him in civilian clothes and dropped his body in a nearby drain. They left him to die. Another fellow soldier saved Shemakin's life by clandestinely calling the civilian ambulance service and letting them know the situation.
68. Mr Shemakin suffered open head injury with heavy brain contusion and numerous tear-contused wounds of the head. He lost four teeth, and his right hand was broken. In addition, his trachea was badly damaged. In spite of all these grave injuries, the military authorities initially refused to properly treat the former soldier in a medical hospital or pay for his treatment in a civilian one. The term for which Mr Shemakin's medical treatment was covered by the Ministry of Defense was extended only after the intervention of *Soldiers' Mothers of St. Petersburg* on his behalf.
69. Apart from medical rehabilitation for military torture survivors which is practically unavailable, psychological rehabilitation is completely left out. However, it is widely accepted that as full rehabilitation of torture survivors as possible pursuant to article 14 of the Convention should comprise of medical and psychological care as well as legal and social services. Rehabilitation should include both restoration of normal functions and acquisition of new skills required by the changed circumstances of a survivor in the aftermath of torture or other forms of ill-treatment

(VI) Recommendations

70. The honorable Committee is respectfully requested to highlight the following issues in its concluding observations to be adopted pursuant to rule 71 of the Committee's rules of procedure in respect of the fifth periodic report of the Russian Federation.

56. The recent case of Mr Dmitriy SMIRNOV is, in our opinion, indicative. Mr Smirnov contacted *Soldiers' Mothers of St. Petersburg* in May 2012.
57. Mr Smirnov was drafted into the Russian army in November 2011 and served in military unit no. 35600 in the town of Ostrov (Pskov Region). He was first placed in psychiatric ward no. 22 of the 442nd circuit military hospital in St. Petersburg on 10 April 2012 and spent 22 days there, until 3 May 2012. He was initially released in order to be demobilized but on 11 May 2012 was again returned to the same hospital, under the supervision of Dr Dmitriy Puzatkin. No details of her son's treatment were revealed to Mr Smirnov's mother. When she visited him on 16 May 2012, Mr Smirnov was unable to recognize her, as he was apparently heavily medicated. The military medics refused to provide Mrs Smirnova with details of her son's diagnosis.
58. On 21 May 2012 the mother of Mr Smirnov applied to the military prosecutor's office. She argued that the military psychiatrists had had no legal grounds for involuntary hospitalization of her son.
59. On 25 May 2012, *Soldiers' Mothers of St. Petersburg* wrote to the Federal Ombudsperson in order to attract his attention to the case of Mr Smirnov. They asked him to verify whether lawful grounds existed for Mr Smirnov's involuntary placement in a psychiatric ward of the military hospital.
60. Following these complaints and letters of support, the 442nd circuit military hospital refused entry to Mr Smirnov's mother. She is now prevented from visiting her son and is unaware of the details of his treatment. She fears that the medication he receives may be detrimental to his mental health. Moreover, she was allegedly threatened by the military psychiatrists who let her understand that her son would not receive good treatment in reprisal for her complaints against them.
61. On 28 May 2012 information was received that the military psychiatrists would baselessly diagnose Mr Smirnov with schizophrenia. This diagnosis will make him unfit for meaningful work and a disabled person for life. His mother still does not have access to Mr Smirnov's medical documents in order to be able to obtain a second medical opinion as to the true gravity of his mental condition.
62. The civil society groups in St. Petersburg, with the permission of Mr Smirnov's mother, made the case public and called for wider attention to what is occurring in military psychiatry. Complex examination of the functioning of the psychiatric ward at the 442nd military hospital was called for. On 1 June 2012, *Soldiers' Mothers of St. Petersburg* received a written explanation from the military prosecutor of military unit no. 56680 in Vladimir. From this explanation it follows that there was no court decision justifying Mr Smirnov's repeated placement in a psychiatric hospital and he was placed there simply because military psychiatrists found his behavior at some point of time abnormal.
63. Placement of military servicemen in psychiatric hospitals should be voluntary or, as in the case of civilians, pursuant to a court decision.

(V) Lack of redress and rehabilitation for victims of torture in the army

71. In so far as **prevention** of torture-related practices in the Russian Army is concerned, it is important that:
- 71.1. All military commanders receive clear orders about a zero tolerance policy with regard to all incidents of hazing in the military;
 - 71.2. All injured military servicemen undergo immediate, independent and competent medical examination;
 - 71.3. Soldiers should not be taken outside their military units for activities unrelated to their military duties.
72. In so far as **investigation and prosecution** of torture-related practices in the Russian Army are concerned, it is important that:
- 72.1. All incidents of injuries of military servicemen especially those received in suspicious circumstances should automatically trigger independent, prompt and effective criminal investigation procedures;
 - 72.2. All investigation proceedings of this type should be open to public scrutiny, in particular by the victim's family and civil society groups;
 - 72.3. Effective State protection should be provided to victims and witnesses, especially to military servicemen who, if returned to their military units, may find themselves in particularly vulnerable situations contributing to coercion and intimidation tactics that may be employed against them.
73. Insofar as **redress and rehabilitation** for torture survivors in the military context in Russia is concerned, it is important that:
- 73.1. All injured military servicemen receive timely, effective and competent medical assistance;
 - 73.2. Psychological rehabilitation including trauma counseling be provided to the torture survivors;
 - 73.3. Torture survivors who are demobilized and their families be provided with professional and psychological guidance in order to allow them to pursue their lives in dignity as equal members of society.
74. The Committee is also respectfully requested to focus its attention on the types of inhuman treatment such as use of soldiers for involuntary labor and involuntary psychiatric treatment in the military, as exemplified in the present submission.
75. *Soldiers' Mothers of St. Petersburg* will be happy to furnish any additional information and ideas in its possession to the Committee and will not object against publication of this report by the Committee before its 49th session.