

RUSSIAN FEDERATION

Torture, ill-treatment and death in the army

Introduction

Amnesty International continues to receive reports of torture and ill-treatment of soldiers by their superiors, in some cases resulting in death, including forced suicides. Information received by the organization suggests failure on the part of the authorities to conduct prompt and impartial investigations of such cases and prosecute the perpetrators. Amnesty International has not been

Convention against Torture

Article 2

- 1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.**
- 2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.**
- 3. An order from a superior officer or a public authority may not be invoked as a justification of torture.**

informed of any measures taken by the authorities to compensate the victims of torture and abuse in the army and to eradicate the practice of brutality in the military forces.

Military service is compulsory in Russia for men aged between 18 and 27. There is no law on a civilian alternative to military service, so any conscientious objector is under threat of imprisonment (for more information on persecution of conscientious objectors in Russia see *Russian Federation: The right to conscientious objection to military service*, AI Index: EUR 46/05/97). A number of cases of alleged torture and ill-treatment of conscientious objectors have also been brought to the attention of Amnesty International.

Torture, ill-treatment and death of soldiers in the army during peace time: beyond the brutal practice of “*dedovshchina*”

Officers of the armed forces continue to permit, encourage and often participate in "dedovshchina", the violent and cruel hazing of young recruits which, at best, involves forcing recruits to perform menial tasks, often outside official duties, and, at worst, leads to beatings, torture, murder and suicide. Soldiers' Mothers groups all over Russia insist on limiting the use of the term "dedovshchina" to cases of violent abuse, torture and ill-treatment of soldiers in the army, often with the consent or active participation of the army officers. They claim that military officials avoid responsibility by hiding behind the term "dedovshchina", which they apparently interpret as the somewhat milder a practice of abuse of "young soldiers" by the "old soldiers", of a kind which is reported from all over the world.

Military authorities and official documents allegedly hide the real problem of ill-treatment in the army with euphemisms such as "non-regulation relations" between servicemen.

Many observers believe that the Russian army today is a prison-like, GULAG¹-style institution, where the treatment of soldiers is not much different from the treatment of prisoners, and in many cases much worse. Torture methods such as "torture by hunger", rape, beatings, and other humiliating and degrading punishments continue to be practised in the army. The criminal investigation unit of the Ministry of Defence reported that 423 soldiers committed suicide in the Russian army in 1994 and that an additional 2,500 died as a result of "criminal incidents". The Mothers' Rights Foundation estimated that approximately 4,000 to 5,000 soldiers died from abuse or committed suicide in 1995. Soldiers often do not report acts of "dedovshchina" to officers for fear of reprisals.

In 1995 the Ministry of Defense reported that 392 military personnel died from various non-combat-related causes, one-third from suicide. The Mothers' Rights Foundation has estimated that thousands of soldiers died in 1996 as a result of acts of torture and ill-treatment by fellow soldiers or officers, by committing suicide, or by not receiving sufficient medical attention. Few of these cases were reportedly referred to the courts.

The Organization of Soldiers' Mothers of St Petersburg and the Soldiers' Mothers Committee believe that many of those who committed suicide were driven to do so by torture and abuse. In October 1996 the Organization of Soldiers' Mothers of St Petersburg submitted a report on torture in the armed forces to the United Nations (UN) Committee against Torture.² In this report, the organization stated that in 1996 alone they had been approached by 601 servicemen who had deserted their army units because they were subjected to torture and ill-treatment there. Further, the report states that "221 of these 601 soldiers were tortured; 34 were forcibly drafted to the army and 30 applied to the Soldiers' Mothers because they were either sent or feared to be sent to Chechnya. ... 57 servicemen were released from serving in the army by a court's decision based on their poor state of health as a result of torture."

¹A name given to the system of penal camps under Stalin from its abbreviation in Russian.

²See *Russia: Comments to the report submitted to the UN Committee against Torture*, Soldiers' Mothers of St Petersburg, Index in SMSP: EUR 2/10/96/CAT, October 1996.

The organization claimed in the report to the Committee against Torture that according to information available to them “cruel beatings of young soldiers have become everyday practice for many military units. The statements made by servicemen and their relatives describe beatings with hands, feet, objects (chains, belts, etc.). The soldiers who had served a term in prison hold that convicts in prisons and camps treated them in a more humane way than the army. There is evidence of rapes committed in the army. As a result of inhumane treatment from their commanders and older soldiers, young soldiers have been losing their health and sometimes even their lives.”

In a number of units, torture and ill-treatment is so commonplace that officers have been ordered to sleep in the barracks until the situation improves. In August 1996 Itar-Tass news agency reported that a preliminary investigation into the suicides of two sailors on a ship in the Arctic Sea attributed one of the deaths to brutal beatings from fellow sailors. Also in August 1996, 30 soldiers of the Ministry of Internal Affairs (MVD) internal troops³ from Perm Region deserted, complaining of “unbearable”, vicious beatings and ill-treatment. They returned after a few days once a senior commander guaranteed their safety. Six soldiers suspected of ill-treating the recruits were sent to military prison and criminal cases were opened against them. One alleged victim of ill-treatment described what was done to him: “One of the favourite methods of persuasion is called ‘*Position Alpha*’. The victim must bend forward and receive a forceful kick with the point of the boot in the tailbone. This is so painful that afterwards you will do everything anyone demands”.

Senior officials from the Ministry of Defence and MVD officials acknowledged that ill-treatment is a problem in the Russian army but allege that it is difficult to eradicate given the quality of recruits, who are often youths raised on the streets who have spent time in prison. According to press reports, 5.2 percent of recruits have a criminal record. Military leaders claim to make every effort to punish both soldiers and officers who take part in or allow ill-treatment. But there are credible reports that many officers continue to permit and even encourage “*dedovshchina*”. In addition the authorities have failed to investigate promptly complaints of torture of recruits. In the few cases where criminal investigations were opened the authorities failed to bring the perpetrators to justice and to provide compensation to the victims.

In March 1996 in the town of Khabarovsk in two separate incidents soldiers **Mikhail Kubarsky** and **Nikolay Mikheyev** died of starvation. After the death of Mikhail Kubarsky on 20 March, 55 more soldiers were hospitalized due to ill-health caused by starvation. One of them, Nikolay Mikheyev, died in hospital. In connection with the deaths, the commander of the unit was dismissed and nine other commanding officers were disciplined. Amnesty International is not aware of any criminal investigation or prosecution in this case.

In a separate incident, in December 1995 military doctors in the town of Vyborg fought for nearly three weeks to save the life of 19-year-old private **Dmitry Zhukov**, who was dying of starvation, as reported by the Organization of Soldiers' Mothers of St. Petersburg. He also

³Special Russian military units under the command of the MVD.

suffered from multiple injuries to his head and back, allegedly as a result of ill-treatment and abuse by a commanding senior soldier. He was stationed on the island of Severny Berezovy in the Gulf of Finland, together with a corporal and four other soldiers. In a letter to his mother Dmitry Zhukov claimed that a fellow soldier, who was effectively the commander of the base, deprived him of his food rations to punish him for his "slowness". One of the other soldiers later admitted that he had seen Dmitry Zhukov eating from a dog-bowl. In addition, he was allegedly severely beaten and was hospitalized with physical injuries, stomatitis (inflammation of the mouth) and early stages of kidney failure. A criminal case was opened against the commanding soldier on charges of torture and brutality. The results of these investigations are not known.

The national military leadership has made no moves to implement training and education programs systematically to combat torture and abuse in the army, nor has the concept of a military police force advanced much past the discussion phase. The military leadership has yet to address the worsening problems of dangerous sanitary conditions, poor food rations, and the use of conscript labour for personal or private gain. There were reports of soldiers being "sold" as slaves by their superior officers to local inhabitants to use them for forced labour. The U.S. State Department reported in 1995 about the case of **Mikhail Fedotov**, a Russian soldier serving in the Russian army in Uzbekistan, who was allegedly "sold" by a superior officer to local Uzbeks and forced to work from December 1992 to April 1993, after which he was hospitalized for psychiatric reasons. Amnesty International is not aware of any investigation of this incident.

The inhumane treatment of soldiers, including lack of suitable housing, poor nutrition, and unsanitary conditions, has resulted in outbreaks of disease, such as hepatitis and dysentery. In addition, officers have subjected soldiers to inhuman and cruel punishment. In September 1994 one incident came to light, in which the commander of the Northern Fleet cruiser "Admiral Gorshkov" allegedly punished soldiers who violated discipline by locking them into a metal pit, some for as long as 370 days. **Seven sailors**, who had been incarcerated in a room measuring four square metres, were killed when a steam pipe burst. Amnesty International is not aware of any investigation of this incident. In 1995 Amnesty International received a response from the Central Military Prosecutor's Office (CMPO) about the deaths of three naval cadets and a sailor from the Pacific Fleet in January 1993. Reports at the time suggested that the four suffered from malnutrition and died after being forced to perform heavy manual tasks. Two were said to have been beaten shortly before their deaths. One of the dead, **Cadet Danilov**, had apparently had to have his fingers amputated after being compelled to work outdoors in freezing temperatures without gloves, and to have been beaten by other recruits with a crowbar before hospitalization. Press and other sources have long reported that conscripts faced beatings, sometimes fatal, and other ill-treatment by longer-serving recruits, and that this practice was frequently condoned by those in authority.

According to the CMPO reply an investigation established that Cadet A. Danilov died from pneumonia aggravated by alimentary dystrophy, **Cadet A.N. Ivanov** from alimentary dystrophy, **Cadet A.G. Trofimenko** from cachexia (malnutrition) and **Seaman Statsenko** from alimentary dystrophy. Cadet Danilov also had light bodily injuries judged unrelated to the

cause of death, and Seaman Statsenko had facial injuries. The investigation concluded that the deaths resulted from negligence by medical and training officials, official abuse of power and exceeding of authority, deficiencies in organizing food and billeting of troops, and theft of supplies by officers. By May 1995 three officers of the medical service, a warrant officer, five petty officers, two sailors and a civilian had been convicted, although their sentences were not given in the CMPO response. One criminal case against a senior officer was closed as a result of an amnesty. An investigation was said to be continuing into a number of issues, including the death of Seaman Statsenko. No further information on the case is available to Amnesty International.

In a number of cases military officers tortured and ill-treated soldiers themselves. In May 1996 the Office of the Military Procurator of the Sertolovsky Garrison in the St Petersburg military district, decided not to open a criminal case against two officers who reportedly had tortured and ill-treated private **Denis Andreyev** in December 1995. The Military Procurator confirmed the facts of the alleged ill-treatment, but explained his refusal to open a criminal case by the "otherwise exemplary record and positive references of the two officers". On the night of 27 December 1995 Denis Andreyev, who had broken his leg and had just returned to his unit from the hospital, was awakened and attacked by the two officers, allegedly drunk at the time. There are several written statements by fellow soldiers who witnessed the incident. Denis Andreyev reportedly was then handcuffed behind his back and severely beaten by the two officers, until he lost consciousness. Then the officers ordered him to be locked for 35 days in a cell for disciplinary punishment ("*gaupuvahta*"). The head of the medical army unit reportedly refused to provide any medical care to Denis Andreyev. Another officer reportedly came to Denis Andreyev's cell and advised him to hang himself in order to put an end to his suffering.

Sergey Bannikov from the city of Ekaterinburg was drafted into the navy on 24 May 1996 and was sent to serve on a ship near the town of Kronshtadt, a military base, in St Petersburg. He claimed that he was subjected to systematic beatings and ill-treatment by fellow soldiers, including beatings on the head with feet and clubs. He tried to run away a number of times but was returned and beaten again. Sergey Bannikov also claimed that he was forced to write a farewell letter home stating that nobody was to be blamed for his death and that he decided to commit suicide because he was tired of living. On 7 August 1996, allegedly after a failed attempt to leave the ship, his fellow soldiers and a superior officer reportedly tried to hang him in order to present his death as a suicide. The strangulation bruises caused by the rope on his neck were later documented by the military authorities. On the following days up to 20 August 1996 Sergey Bannikov was frequently beaten by his fellow soldiers. It was reported that as a result of the beatings on 25 August Sergey Bannikov became paralysed, he lost consciousness and was taken to the Military Naval Hospital No. 35 in St Petersburg with serious brain damage and head injuries: "closed skull-brain trauma, contusion of the brain, bruises in the front surface of the breast on the right." He underwent brain surgery twice. He was later found unfit for further military service by the Military Medical Commission and was sent home to his mother.

“Abuse and suppression of the individual remain widespread, particularly with respect to draftees. According to information from the Chief Military Procuracy, violations of the code of conduct for armed service personnel, physical abuse by commanders and other gross violations of discipline made up 16.4 percent of all recorded crimes. 2,234 persons suffered from hazing, known as *dedovshchina*, and other abusive acts; 55 persons were killed (in 1993 there were 30); and 335 persons received serious bodily injuries (in 1993 there were 169). Other matters involving the protection of the lives and health of armed services personnel remain critical. According to the official statistics of the Military Procuracy, in 1994, 2,111 Russian

servicemen were killed. Of them... 432 committed suicide. Most incidents of death and maiming of armed services personnel occurred due to the failure of the responsible officials to fulfill their duties under regulations designed to protect the lives and health of subordinates. To date the question has still not been decided whether and when information about deaths and injuries of military personnel and other aspects of military life will be declassified. In particular, the Defence and Interior Ministries refused to provide information requested by the Commission, even though the information sought was not a state secret. The army remains a ‘closed’ organization as concerns information flow.”

It was reported that the military authorities opened an administrative investigation into the case of Sergey Bannikov’s alleged ill-treatment. In December 1996 Lieutenant V. P. Kuzmin, who was in charge of the investigation, concluded: “In the course of the investigation it became clear that sailor S. A. Bannikov, arriving on board the [ship] on 17 July 1996, immediately began behaving in a negative way, announcing his unwillingness to serve and refusing to follow the commander’s orders... A. Churakov frequently beat S. Bannikov; he kicked his head with his feet and other objects. I consider that sailor A. Churakov violated the rules of reciprocal relations between the servicemen, which entailed severe consequences”.

Separately, it was reported that the Office of the Military Procurator of Kronshtadt had opened a criminal investigation against a superior officer who was allegedly involved in the attempt to hang Sergey Bannikov. On 15 January 1997 the superior officer, Sergey Odinkov, was found guilty of “offending his subordinate”, as provided for in Article 336(2) of the Russian

Criminal Code, by the Military Court of the Kronshadt Garrison. The court ruled that Sergey Odinokov "is given the punishment in the form of limitation of service to one year and withholding 10 percent of his remuneration in favour of the state". In addition, the court ruled that Sergey Odinokov should pay compensation of 2 million rubles (about US \$400) to Sergey Bannikov for "moral damage". As reported in the decision of the court, during the trial Sergey Odinokov admitted that he hanged Sergey Bannikov in front of the other soldiers and claimed that "it was not his aim to end Bannikov's life, nor to cause him any kind of physical harm. He did it because he wanted to force Sergey not to break the military discipline in the future and for Sergey to feel ashamed in front of the crew members. When he received Sergey's promise never again to take unauthorized leave in the future, he himself released his neck from the noose".

The Organization of Soldiers' Mothers of St Petersburg, which has been providing support to Sergey Bannikov and his mother, has protested against the decision of the court as too lenient and appealed it to the higher Military Court of the Baltic Fleet.

In response to the question of whether there is a civilian control over the situation in the armed forces, the Deputy Procurator General of the Russian Federation, Mikhail Katyshev, told the Committee against Torture on 12 November 1996, during the review of Russia's Second Periodic Report to the Committee: "Well, the fact that today we are responding to a number of questions raised by the Committee of Soldiers' Mothers means that there is already progress in this area. Yes, indeed. In the USSR the army was a closed institution and there was pretty much no civilian control. At present there is a process of democratisation underway in the army and special commissions are being set up to monitor various aspects of army conduct. However, bearing in mind the specific nature of the army, the basic monitoring of observance of the law in the Russian army is implemented by the Main Military Procurator's Office and its subsidiaries."

The failure to conduct prompt and impartial investigations of complaints of torture and deaths in the army, and lack of compensation to victims

Under the Convention against Torture, Russia is legally bound to make all acts of torture and ill-treatment offences under national law. The Convention also requires that punishments for torture should reflect "their grave nature" (Article 4). However, Russian law fails to meet these requirements. Russia's Second Periodic Report to the United Nations Committee against Torture states in point 23: "The criminal law of the Russian Federation contains no norms directly providing for liability for torture."

Neither the Constitution of the Russian Federation nor legislation provide a definition of the term "torture." However, the new Russian Criminal Code,⁴ takes a step in the right direction by introducing, for the first time, the term "torture" as a characteristic of the crime for two offences punishable by law: "ill-treatment" (Article 117) and "coercion to give evidence" (Article 302).

The 1993 Russian Constitution provides in Article 21(2) that "no one shall be subjected to torture, violence or other cruel or degrading treatment or punishment. No one may be subjected to medical, scientific or other experiments without voluntary consent." The Law on the Status of Military Personnel of 22 January 1993 also fails to criminalize acts of torture against members of the armed forces. It provides in Article 5(2) that "an insult of servicemen, violence and a threat of the use of violence, posing a threat on their lives, health, dignity, residence, property and other acts which violate their rights in connection with fulfilling the responsibilities of the military service, are considered as aggravated circumstances when considering the degree of the offence and the type of punishment".

The failure to include any definition of torture in the Russian Constitution or national legislation in general, and in particular in the laws governing the armed forces, has hampered the courts in their efforts to apply the constitutional provisions directly in cases of human rights violations, including cases of torture and ill-treatment because they have not been able to rely on Article 1 of the Convention against Torture.

According to official information provided to the Council of Europe upon Russia's acceptance as a member state, there currently exist in Russia 160 military courts, which deal with crimes committed by servicemen (of the army, the troops of the Ministry of Internal Affairs (MVD) and the Federal Security Services (FSB) troops), and with their administrative complaints. The courts reportedly deal with 12,000-14,000 criminal cases a year, and 13,000-15,000 administrative complaints. According to the same official information, about 20 percent of all criminal cases concern alleged ill-treatment of servicemen. About 700 military judges are employed in the courts. The military procurators are accountable to the Office of the Procurator General of the Russian Federation. However, special military defence lawyers do not exist.

Russian human rights groups have claimed that there are between 4,000 and 5,000 deaths in the army in peace time every year and most of them are not properly investigated despite evidence suggesting that a number of soldiers died as a result of torture or ill-treatment. According to complaints by the soldiers' families, it was practically impossible for them to have the cause of death investigated, and the perpetrators brought to justice.

The Special Rapporteur of the Committee on Legal Affairs and Human Rights of the Council of Europe on Russia's application for membership to the Council, Rudolf Bindig, stated in his report in January 1996: "Despite intensive efforts on my behalf, I was not provided with the figures for deaths by accident, manslaughter and murder in the Army. I am very concerned

The Criminal Code of the Russian Federation was adopted by the State Duma on 24 May 1996 and came into force on 1 January 1997.

about both the reported ill-treatment and the high rate of death in the Russian armed forces. Proper and detailed investigation is needed into all such cases, and the incidents of ill-treatment and unexplained deaths should be reduced, if not eliminated as a matter of highest priority”.

However, the provisions of Article 12 of the Convention against Torture for a “prompt and impartial investigation” whenever there is reasonable ground to believe that torture and ill-treatment may have occurred, even if there has been no formal complaint, are inadequately implemented in Russian law.

The relevant law does not specifically refer to cases of torture. Article 2 of the Code of Criminal Procedure provides that the aim of the criminal procedure is “speedy and complete

detection of offences, conviction of the offenders and correct application of the law so that every person who has committed an offence is justly punished and no innocent person is prosecuted or convicted.” Article 3 of the Code of Criminal Procedure provides that it is the duty of a court, procurator, investigator or inquiry agency, within the limits of their competence, to institute criminal proceedings whenever indications of an offence are discovered and to take all measures provided for by law to ascertain the occurrence of the offence, identify the offenders and ensure their punishment.

In practice the ineffectiveness of the courts in addressing human rights complaints and their limited independence have persuaded victims of torture and ill-treatment to lodge their complaints more often with the Office of the Procurator. In the absence of alternative non-judicial complaint mechanisms, it is still widely believed in Russia that the procuracy has the power and the influence to ensure that justice has been done; also, its services cost much less than those of the courts.

Similarly, investigations of cases of alleged torture and ill-treatment of conscripts by their superiors or deaths of soldiers in peace time remain inadequate and rarely are perpetrators brought to justice. The army remains to a large extent a closed institution where investigations of complaints are conducted without any public control or openness on the part of the military.

Homicides occurring at the hands of fellow soldiers or commanding officers appear to be frequently disguised as suicides or accidents. A military officer who requested to remain unnamed was quoted by the press as saying: “How the soldiers really die -- through accidents, homicide, or suicide -- is simply swept under the carpet”. Besides reportedly controlling entries on death certificates, the military authorities in Russia also reportedly use sealed zinc coffins to repatriate bodies, a practice that conceals unpleasant circumstances of death. Letters from

In a letter sent to the Charitable Fund “The Right of the Mother”, a young man from Moscow reportedly stated after he was demobilized from the army:

“What kind of machine is it, that mutilates and cripples people? And not just physically. It thoroughly breaks the spirit within, sucks a person in like a meat grinder and he emerges cut down to size”.

(Veronika Marchenko, *Room 20*).

parents describe their shock when they receive telegrams that their son committed suicide; but they reportedly force open the coffin to find abrasions, lacerations, bruises and contusions.

The Deputy Procurator General of the Russian Federation told the Committee against Torture on 12 November 1996:

“I should like to turn briefly to an issue which I have already mentioned - the situation in the army... In each individual case there are bodies regulating relations between military personnel. We do have to recognise that there are problems here. [For cases of reported violations] there are verification and monitoring procedures, there is an investigation if there is a branch of the Office of the Military Procurator situated not far from the place of the violation, its prosecutors undertake an immediate investigation themselves. In cases where the garrison in question is in a remote location, under current legislation the Unit Commander is empowered to act on behalf of these bodies. In such cases the commander will appoint special persons who henceforth report directly to the Office of the Military Procurator and are empowered to commence investigative proceedings. In many instances we cooperate very closely with the Committee of Soldiers Mothers and periodically we meet with them and conduct joint visits. Recently we have had two meetings with the Procurator General of the Russian Federation and when it becomes necessary to investigate such unfortunate incidents, the state Prosecutor's Office will also become involved, and in cases which are deemed as particularly serious, procurators will be seconded from the Office of the Procurator General to handle them. In the last few years even the Committee of Soldiers' Mothers has recognised that the Procurator General's Office has stepped up work in this area.”

Reports of inadequate investigations, the alleged arrangements to conceal incidents from superiors, the practice of allegedly falsified death certificates, and the misleading communiques to parents all indicate the failure of the authorities to address the issue of ill-treatment in the army.

Those who report the act of ill-treatment to higher authorities for prosecution are reportedly treated more harshly than those who remain silent. Retributive beatings are often severe, according to reports, and there is no protection available to the victim. Those who file complaints or recover following hospitalization are reportedly returned to their unit while the case is investigated, placing them at the mercy of the alleged perpetrators.

The ineffectiveness of regulations governing the protection of conscripts' rights often allows victims of alleged ill-treatment to be returned to the same units where they may face retribution from fellow soldiers or commanding officers resentful of having been identified to the higher commander. Fearing retaliation, victims often hesitate to provide testimony. Instead, they explain what happened in letters home to their families, who sometimes take the initiative and

file a complaint regarding alleged ill-treatment or seek the assistance of the organizations and committees of Soldiers' Mothers.

Various Russian human rights groups, including the Charitable Fund "The Right of the Mother", have also claimed that the military authorities, while investigating cases of torture and ill-treatment of servicemen which had resulted in death, allegedly try to present them as "accidents" or "suicides". In addition, there is a special military position known as the "unit investigator". These investigators are usually the commanding officer of the unit himself or another senior officer from the same military unit. They are empowered according to military rules with the right to collect the initial information, witness accounts and evidence in preparation for the future official investigation of cases of alleged ill-treatment or death. It was reported that often the "unit investigators" had tried to falsify or to cover up some evidence of ill-treatment or cause of death in order to protect the good name of the unit under their command.

The parents of **Aleksandr Suklomanov**, who died on 18 February 1994 in military unit No. 30087, claimed that officials from the unit had confiscated from them an important piece of evidence, his army identification card. The authorities reportedly took the card away after an independent forensic examination concluded that the hole found on the card did not occur as a result of a bullet but of a knife blow. This conclusion and other evidence suggested that Aleksandr Suklomanov did not die of "suicide by firearms", the official version of the cause of his death, but was allegedly murdered.

A number of parents claimed that they were prevented by the accompanying officer from opening the coffin with the body of their son at the funeral. It was alleged by parents that in this way the authorities prevented them from seeing any possible bruises or other evidence of torture and ill-treatment on the body, while the official version of the death was "a suicide" or "an accident".

Risk to conscientious objectors of ill-treatment in police custody

The Organization of Soldiers' Mothers (a non-governmental organization) from the town of Chelyabinsk expressed concern in December 1995 that law enforcement officials had used the provisions of Presidential Decree No. 1226 on fighting organized crime (14 June 1994) to detain conscientious objectors to military service. It was reported that officials of the Ministry of Internal Affairs have referred, on a number of occasions, to the provisions of Decree No. 1226 when conducting searches of the homes of conscientious objectors and detaining them, without a prior court order or a procurator's sanction.

The presidential decree, which is still in force, allows law enforcement authorities to detain persons suspected of ties to organized crime for up to 30 days without charge and without access to a lawyer. This conflicts with Article 22 of the Russian Constitution which stipulates that a person may not be held for more than 48 hours before a court rules on the legality of their detention. It violates Article 9 of the International Covenant on Civil and Political Rights

(ICCPR). The presidential decree also makes no mention of the right of the accused to access to a defence counsel during the period spent in detention.

Law enforcement authorities employ this decree extensively, especially towards ethnic minorities from the Caucasus. Criminal suspects, detained under the provisions of this decree and denied access to the outside world, are often subjected to torture and ill-treatment by the police and officers from the Department on Fighting Organized Crime (RUOP) (for more details on individual cases of torture and ill-treatment of suspects detained under the provisions of this decree, see *Torture in Russia: "This man-made Hell"*, AI Index: EUR 46/04/97).

Planned army reform

During his re-election campaign in mid-1996, President Yeltsin promised that Russia would have a professional army by the year 2000 and that compulsory military service would be eliminated. On 16 May 1996 President Yeltsin outlined his views about the reform of the army in a special Decree No. 722 on the transition to establishment of a professional army in Russia.

Observers believe that the planned army reform has not progressed much after the President's statement was made last year. It was reported that President Yeltsin served notice to Defence Minister Igor Rodionov on 26 February 1997 that he must deliver concrete results instead of complaining about the poor state of the armed forces. An official statement issued from the Presidential administration said President Yeltsin disapproved of Rodionov's earlier statement, in which the minister warned that Russia could "lose control of its nuclear arms," and its defences could be "destroyed" if the government did not act quickly to stop the deterioration of the situation in the armed forces. "The President thinks it necessary to point out that above all the Minister himself is responsible for the situation in the armed forces," the statement said. "The President knows that things are difficult for soldiers today. But lamentations will not help. Concrete actions are required."

Igor Rodionov has repeatedly demanded extra funding for the bloated and cash-strapped army, saying that without it the much-needed reform will be stillborn. In his statement, President Yeltsin admitted that only military reform could fundamentally improve the situation in the armed forces, but he called on Igor Rodionov and Defence Council Secretary Yury Baturin to coordinate their positions on the issue. The Minister of Defense, who reportedly announced in February 1997 that Russia planned to reduce its armed forces by 200,000 men by the end of the year, reportedly said later that Yury Baturin was trying to be "reassuring by saying that everything is in order in the army". Observers commented that the two government officials were deeply divided over how to carry out the reform. Igor Rodionov reportedly wanted cuts in numbers to be carried out at the same time as modernisation of equipment. Yury Baturin wanted an immediate reduction in personnel and modernisation only after 2000. The reform

is aimed at streamlining the conscript-based army of at least 1.5 million troops into a professional, 1.25 million strong force by the year 2000.

Another observer, Sergey Yushenkov, a member of the Defense Committee of the State Duma, outlined his understanding of the army reform by saying that “the reform of the army includes an entire system: a civilian institute for coordination and management and a civilian defense minister. A civilian control over the army includes not only a civilian defense minister but also a full control over the army by the parliament. Now in the parliament no one can exercise any control over the armed forces or initiate an investigation. The reform should allow the parliament to select and appoint the leading generals in the General Headquarters of the army, or at least allow for parliament’s recommendations in the appointment of generals”.

In addition, reports suggested that there is a lack of training and knowledge about prohibition of torture among military officers and servicemen. Amnesty International believes that the future army reform should include as a priority taking steps to inform all relevant army personnel of the prohibition of torture and ill-treatment, regardless of whether the future Russian army will be composed of conscripts or professional soldiers and officers.

Sergey Kovalyov commented on the proposed army reform in an interview for the newspaper *Ekspress Khronika* on 24 January 1997 and stated that:

“Compulsory military service is a result of the traditional politics, based on the egoistical interests of the state and on the overall state of suspicion of everyone. It is a reflection of the biological xenophobia: expect only danger from your neighbours. The direction of mankind’s evolution is the full elimination of the army as an institution. Then there will remain only the pure policing functions of the state: the defence of the population from the criminal structures. And then the responsibility to defend the country becomes an anachronism. A step in this direction is the creation of a professional army, when the alternative service will not be needed and the state will deal only with professionals. This is a new approach, a new psychology.”

Failure of the authorities to prevent torture and ill-treatment in the army

In its conclusions following consideration in November 1996 of Russia’s Second Periodic Report under the Convention against Torture, the UN Committee against Torture expressed its concern at “the fact that... young soldiers in the Russian army were brutalized by older soldiers without the authorities taking appropriate remedial measures”.

The Human Rights Committee in July 1995 expressed concern to the Russian Government in paragraph 21 of its Comments:

“The Committee is also seriously concerned at the allegations of widespread cruelty and ill-treatment of young conscript-soldiers”.

The Committee urged the Russian government in paragraph 39 that

“stringent measures be adopted to ensure an immediate end to mistreatment and abuse of army recruits by their officers and fellow soldiers”.

During the review at the Committee against Torture, members of the Committee referred to reports coming from Amnesty International and Russian groups, such as the Organization of Soldiers' Mothers of St Petersburg, which alleged acts of torture and ill-treatment of conscripts in the Russian armed forces. They stated that:

“...another non-governmental organization, the Soldiers' Mothers of St Petersburg, has asserted that the treatment of the army of its own recruits may in many instances be in violation of Article 16 and a number of detailed cases in a report which they presented to us were outlined. These cases related to older soldiers behaving cruelly toward young recruits, and senior officers, by omission mainly, failing to take disciplinary proceedings against the older soldiers and other officers. [We] would ask your comment on that - just what is the practice in the military to deal with cases of this order and what judicial oversight is there relating to the conduct of the military with reference to their own people in any event?”

Yury Ivanov, a Deputy Head of the State Duma's Committee on Law and Judicial and Legal Reform, answered on behalf of the Russian Government delegation:

“I don't mean to say that you are not well informed enough at present. However, references made by Mr Pikis, Mr Burns and other members were based on information received from Amnesty International and from the Organization of Soldiers' Mothers. Obviously any information is valuable. But we should bear in mind that the Committee of Soldiers' Mothers is a rather biased organisation - it has a vested interest. I understand them perfectly well. Fortunately my own son is only five years old. Otherwise, if he were of military

service age I would give some thought as to whether to let him go to Chechnya or not. However, I would like you to give more attention not just to information from non-governmental organizations but to information from governmental organisations”.

Russia became a member of the Council of Europe on 28 February 1996. Among the various commitments given by the Russian Government to the Council of Europe upon its accession were: “to adopt a law on alternative military service, as foreseen in Article 59 of the Constitution” and “to reduce, if not eliminate, incidents of ill-treatment and deaths in the armed forces outside military conflicts”.⁵

Recommendations to the Russian military and government authorities on prevention of torture and ill-treatment in the army

Torture and ill-treatment of persons under any circumstances are expressly prohibited under international agreements to which Russia is party, such as the Convention against Torture, and the ICCPR. Amnesty International recognizes the problems that may exist within the system of the armed forces, for example those caused by lack of funding and appropriate training of military personnel. However, these problems can never be used as an excuse for justifying the practice of torture and deliberate ill-treatment in the army. Amnesty International believes that it is clearly within the power of the Russian authorities to take immediate measures to eliminate these illegal practices within its armed forces. Amnesty International calls on the authorities to take effective legislative, administrative, judicial or other measures to prevent acts of torture in the army, including the establishment of bodies of civilian control over the situation in each army unit.

Amnesty International recommends that the authorities as a matter of priority:

- criminalize torture as a distinct crime with appropriate punishments under the national law, as defined in the Convention against Torture; and revise all national laws governing the armed forces and the military to include prohibition of torture and ill-treatment;
- abolish all federal, local or institutional acts, rules and regulations relating to the activities of the armed forces, which violate the Constitution and international standards on the right to conscientious objection and the human rights of servicemen;

⁵See Parliamentary Assembly’s *Opinion No. 193(1996) on Russia’s request for membership of the Council of Europe*, paragraph 10(18) and (19).

- implement prompt and impartial investigations of all complaints of torture or ill-treatment of conscripts by fellow soldiers or superior officers, including the ones resulting in death, as well as when there are reasonable grounds to believe that torture or ill-treatment has occurred even if no complaint has been made;
- as part of such investigations, ensure prompt, impartial and professional medical examinations of soldiers alleging torture or who may have been tortured;
- bring those responsible for torture or ill-treatment of conscripts to justice in the courts;
- ensure that every victim of torture and ill-treatment has access to the means of obtaining redress and an enforceable right to fair and adequate compensation, including the means for as full a rehabilitation as possible;
- ensure that information regarding the absolute prohibition against the use of torture and ill-treatment is fully included in the training of military personnel, conscripts themselves and other members of the armed forces ;
- establish an effective system of civilian control over the activities in each army unit and especially with regards to investigations of cases of alleged torture and ill-treatment;
- allow for regular visits to the army units and for meetings with conscripts of members of the human rights community, religious representatives, medical personnel and other civilian organizations;
- take immediate steps to address the concerns and the recommendations of the Committee against Torture; and take urgent measures to stop the practice of torture and ill-treatment in the army, known as *dedovshchina*, and conduct prompt, impartial and effective investigations into all individual complaints by conscripts and their families;
- take steps to ensure effective implementation of the constitutional provisions and international standards on the prohibition of torture with regard to the planned reform of the Russian army by the year 2000.