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UnMode FINAL PHRC MONITORING REPORT 01.01-30.11.2022

According to the results of the reporting period, 9 street lawyers - human rights activists from Ukraine, Russia, Moldova, Kyrgyzstan and Belarus monitored and documented cases of violations of the rights of prisoners in places of deprivation of liberty and released people with experience in drug use.

To carry out the activity, a monitoring data collection form was developed, which included a special section for interviewing convicts located in the temporarily occupied territories of Ukraine.

During the reporting period, 250 people (35 women and 215 men) were interviewed, the age of the respondents was from 23 to 61 years, the respondents were given the opportunity to refuse to answer any of the questions if he (she) for some reason does not want to answer it. 238 people among people who use drugs, 10 people said that they had never used drugs, 2 (two) more refrained from answering.

Distribution by country:

Russia -145,
Kyrgyzstan - 25,
Ukraine - 44
Moldova -29
Belarus - 7

164 people are currently in prison, the rest were released at the time of the survey.

At the time of writing the report, 57 cases of violations of the rights of prisoners of a strategic orientation were accompanied by street lawyers, street lawyers took part in 54 court hearings, a total of 75 court hearings were held on cases, 11 people were released from serving sentences by court order thanks to such human rights work ; 3 people died without waiting for release, 4 people died within 6 months after release due to loss of health in places of detention.

All data about people in the report are anonymous, all supporting documents are available from UNMODE.

Statistics by country and description of specific cases:

Ukraine

Ukraine is among the countries with the largest number of prisoners (52973), along with Russia (563166 prisoners), Turkey (269806), Great Britain (England and Wales) (82236), Poland (72204), France (70059), Germany (63643), Italy (60125) and Spain (50612). In addition, the level of imprisonment in Ukraine - 125.7 prisoners per 100,000 population - is higher than the European average - 106 prisoners per 100,000 population. At the same time, according to this indicator, Ukraine is significantly lower than such countries as Russia (386 prisoners per 100,000 inhabitants), Turkey (329) and Georgia (270) <https://www.euointegration.com.ua/rus/news/2020/04/7/7108465/>

It is noted that this year the number of convicted persons amounted to almost 64 thousand people, which is more than double the figure for 2021.

In 2022, the number of convicts in Ukraine amounted to almost 64,000 people, which is more than double the figure for 2021. This is stated in the materials of the draft budget for 2023.

According to the document, 21,350 people are in pre-trial detention centers this year, which is 4,000 more than in 2021. But the number of convicts has more than doubled. In particular, if in 2021 there were 30,907 people, then this year this figure has grown to almost 64,000 people.

At the same time, the amount of expenses for the food of convicts, as well as those taken into custody, decreased. In 2021 about UAH 760 million were provided for these purposes in the state budget. for the general and special fund of the state budget, in 2022 this figure decreased to just over UAH 640 million. This amount also includes the cost of food for prisoners of war.

In 2023 the average monthly expenses for the monetary allowance of one person of the NABU commanding staff are planned at the level of UAH 111.9 thousand

<https://sud.ua/uk/news/publication/249714-v-ukraine-bolee-chem-vdvoe-vozroslo-kolichestvo-osuzhdennykh-proekt-byudzheta?fbclid=IwAR0yippYNellF57FmZvS3RxLfVSdeqPUYlvTfZtG8lRcx4OUjGqt-znolk>

During martial law, medical care is provided in accordance with Chapter 13 of the Criminal Executive Code of Ukraine. That is, there were no changes in the order of medical care for convicts.

With the amendments, mobilization is allowed, suspected or accused of committing a criminal offense and in respect of which a measure of restraint in the form of detention has been chosen, an opportunity has been provided to apply to the prosecutor with a statement on the abolition of such a measure of restraint for further conscription for military service during mobilization

Almost doubled the number of cases of drug use, decreased the number of cases under the article "Production for sale" (article 307 of the Criminal Code). In the first two months of 2022, the number of new criminal cases increased by 14% compared to the same period in 2021. And since the start of full-scale hostilities, the number of registered proceedings under this article has decreased by 36% compared to 2021 - 3885 to 2471 cases. In total, those convicted on drug charges are kept in the prisons of Ukraine about 30% of the total number of the prison population. (source <https://opendatabot.ua/analytics/drugs-in-war>)

The most acute systemic problems noted in the process of work by street lawyers from Ukraine:

- in places of detention there is no access to rehabilitation services, harm reduction programs or psychological assistance;
- in places of deprivation of liberty there is no access to hepatitis C treatment, even at the expense of the convicted person;
- interruptions in the treatment and diagnosis of HIV infection and other chronic diseases;
- entering the penitentiary system, a person is actually deprived of the right to medical care associated with the diagnosis of F11-F19 (Mental and behavioral disorders caused by the use of opioids) substitution therapy will be interrupted, "detox" is practically not carried out due to the lack of licenses for the circulation of drug drugs in penitentiary institutions, harm reduction programs in prisons are not available;
- as before, there is criminal liability for a small amount of substances that a person uses (which are and are regulated by the Order of the Ministry of Health of Ukraine No. 188D and the Resolution of the Cabinet of Ministers No. 770);
- there are interrogations of suspects who are in a state of withdrawal syndrome, using blackmail to obtain confessions and self-incrimination;
- Part 1 Art. 309 of the Code of Criminal Procedure of Ukraine, in accordance with the sanction of which, in fact, people receive restriction of freedom, it is worth noting the fact that parts 1 and 4 seem to regulate release from imprisonment, but in fact, people who do not need help, do not have a diagnosis, will be subject to measures related to the restriction of freedom and a real term.
- general stigmatizing attitude on the part of society as a whole and prison staff in particular towards prisoners who use / used drugs and / or have chronic socially significant diseases (HIV, tuberculosis, etc.)

Occupied territories

44 interviewed people from Ukraine are currently in prison, 28 of them are in the occupied territories, another 10 people were previously in the occupied territories, all respondents have serious diseases such as tuberculosis, HIV infection and viral hepatitis.

The main complaints of those held in institutions in the occupied territories are interruptions in the issuance of vital medicines, the lack of diagnosis and treatment of chronic and acute diseases, the absence of postal service, the termination, due to the war, of the issuance of benefits and pensions, violent acts committed against convicts, as well as poor nutrition up to complete starvation - this is what the convicts had to endure in the occupied territories. This is evidence of a humanitarian catastrophe in the colonies in the occupied territories. Despite the lack of food, convicts continued to be transported to the occupied territories to serve their sentences, below are the appeals of Ukrainian convicts (author's style retained):

"In the Donetsk region, where I was before the evacuation since the beginning of the war, every day it became more and more difficult. The food got worse. There were days when there was absolutely nothing but crackers or bread. At first, having a boiler and leftover food from the transfers, we could provide ourselves with food. But in the period from March 10 (the rest of the packages were eaten) to April 15 (when we were evacuated) there was practically nothing to eat. The opportunity to at least somehow hold out was through a corruption scheme - money was dumped on the card of an employee of the pre-trial detention center, he bought something in the store, and brought it when he came to change. Naturally at an exorbitant price";

"It's about nutrition in general. A plate of hot water (they call it soup) is given to us. The food has deteriorated greatly. Of course, thank you for at least something to feed. But for health reasons, I need a diet that everyone has long forgotten about. Therefore, the state of health is deteriorating. But there is a chance to survive - the human rights activist sent the necessary medicines, and as soon as I get to the colony, I can receive parcels (they say that the post office has already started working), this will give me the opportunity to eat without harm to my life and health";

"We are given "hot" food, but chose the answer "yes" because what they give us cannot be called food in general. This is half a plate of hot water in which 6-7 grains of porridge float. Now the situation will worsen even more because the other day another 210 convicts were brought to our colony. Of the products for today, there is one bag of cereals and two bags of cabbage for a week - for 350 people. But they are waiting for another stage, so I fully admit that these products will be divided into 500 people";

"During the period of intensification of hostilities in the Kharkov region. we were given "dry rations" consisting of bread / crackers and carrots. During the period when there were no direct bombings, we were given "hot dishes", but you can't call it food: a plate of hot "something" - in a plate of such "soup" there are 3/4 grains of porridge in addition to water. And that's it";

"The first three months there was complete hunger. Since June, the situation has improved: they give hot (at lunch) not only the "first", but also the "second" - the portions are very small, but they feed. This, of course, cannot be compared with the food that was before the start of the war. We are fed exactly in the amount in which the body will not allow to die of hunger";



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“Interruptions in dietary nutrition, which I have a need for due to the absence of a gallbladder and doctor's recommendations on an ongoing basis. At the very least, they are fed, I cannot say that we are completely starving, as was the case in the first months of the war. But there is no way to get help from relatives. We are in a war zone and no packages are being delivered to us”;

“There are fewer power outages now. There was a period when there was practically no food at all, this is from March to May 2022. Fortunately, that part of Kharkov, where the colony is located, was liberated. And we have the opportunity to receive help from relatives and friends”;

“I was in AIK No. 25 (Kharkov) when the war started. The first three months were hell. Not only about hot meals - in general they dreamed about food and saw it in a dream. There were people who really ate the earth out of hunger. Then, when that part of Kharkov, where the colony is located, was liberated, it became easier. But now we all know exactly what "hunger" is. And although it sounds funny, I always put something aside "just in case", so that there is at least some kind of reserve”;

“It became easier, they began to give full-fledged food, but in reduced rations. But you can live. Management changed in June. And famine set in for a month and a half, everything was completely bad. And then they began to feed us as for slaughter - buckwheat, stew. Now for more than a month as buckwheat every day. We do not know what it is connected with. Maybe they just squeezed out a wagon of buckwheat somewhere. Or maybe it's some kind of strategy”;

“Everyone has gone: from complete hunger (crackers in a bag) to a complete diet - with meat, but why they feed us like that now - we don't understand everything. Because no one is curing us. You won't become healthy from one buckwheat, even with meat”;

People held in places of deprivation of liberty in the occupied territories of Ukraine are subjected to violence, 36 people out of 44 reported that violence is occurring or has occurred, 30 people reported violence against themselves:

“Since June 1, when the institution was taken under the control of the occupiers, there has been practically no food. Before that it was very hard, now it's just a concentration camp. In which all kinds of sophisticated torture invented by mankind are used. It happens that people from the convicts die. From the latter: one was bitten by dogs that were released on purpose, the second was beaten to death for having the courage to call things by their proper names”;

“They didn't touch me only because of my poor health, fearing that I wouldn't “spoil their indicators” - I wouldn't die with them. I don't know the reasons, but the closer the day of the evacuation was, the more often illegal searches were carried out (it's not clear what they were looking for, because there wasn't even food, what kind of “prohibitions” could we talk



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about?), with the use of physical force. Men, as could be identified simply by the characteristic sounds, were beaten, for what reason - it is not clear. During shelling, airstrikes and bombings, we were not given the opportunity to hide. We continued to be in closed cells, while the employees of the institution went down to the shelter”;

“Due to the fact that I constantly talked about the need to evacuate people, I was closed at the BUR, with all the ensuing consequences: I didn’t even have the right to call my relatives, inquire about their lives. There were constant threats, humiliation and blackmail. They threatened to kill me if I continued to incite people to demand evacuation; humiliation due to my involvement in drug addiction - like, “while I was injecting myself in the basements, everything suited me, but here you are shaking by the skin”; blackmail consisted in the fact that the employees of the institution (while I was in the BUR) could spread lies among the convicts (I was openly told) about me, which could cost me not only my health, but also my life. They did not let this lie go to the people only after I assured the workers of the IK that I would never raise the issue of evacuation again”;

“The state did not worry about the timely evacuation of us. By such inaction, we are literally in captivity. When circumstances were already in place for the impossibility of evacuating us, the leadership of the colony was replaced by a collaborative one. And we ended up in a hostage situation. By and large, no one needs us. At the same time, in the current conditions, saving our lives in the event of hostilities, we can be additionally accused of treason. From all sides - only pressure”;

“Ever since collaborators started working in the colony, our rights are being violated every minute: from the fact that during rocket attacks and bombing we are not allowed to hide in a safe place, ending with the fact that now we do not even have the right to call with relatives - endless raids, and the selection of all means of communication. We also remained "outside the law" - many of them had to have court hearings on parole issues during this period. Blackmail and daily threats: that we will all go to war with the Ukrainian army. Funny. Given that the main profile of this colony is the disease tuberculosis”;

“Since June 1, beatings, insults, blackmail, threats - all this is the norm of our life. The only thing that changed was that at first they beat absolutely everyone, indiscriminately. Now, somewhere from 20.07 all this is happening selectively. By what criteria - it is not known, but literally 3-4 people are subjected to torture every day”;

“Insults, threats (including taking my life), blackmail, bullying and beatings - all this happens to us all. Not only with me. For what? We do not know. Just a bad mood, not "looked" like that, looked in the wrong direction. None of the current employees of the institution have any idea about human rights. Our attitude is inhuman. More and more associations with the "concentration camp". Just about it seems that some kind of "gas chambers" will begin to suit us;



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"We are all in endless danger of being killed by shelling and rocket attacks. We are in a zone where even artillery can reach. I'm talking about missiles. At the same time, the colony employees do nothing to save our lives. There are no shelters that can save, no way to even go down to the basement. You will be taken down to the basement only if you have been punished for something";

"I was beaten and put on the counter (yes, the colony workers earn money on us) because they found patriotic (Ukrainian) content in my gadgets. I paid everything within 2 months to stop blackmailing me. But my iPod was never returned to me. Procedures for "prophylactic" beatings occur with frequent regularity, they beat everyone (even the seriously ill) and just like that (not for violations);

The administration of the colonies used the stages in the colony in the occupied territories as punishments for people who openly defend their rights:

"I was transferred from the quiet (in terms of shelling) Poltava region to the area where hostilities are taking place. At the same time, they told me to my face that they were doing this solely because I did not sit "quietly", but kept demanding something, defending my rights";

The postal service did not work, letters, complaints and petitions, as well as parcels and parcels, cannot be sent and received:

"We couldn't send any letters of complaint or just letters. Parcels could not reach us. I know for sure that one of my parcels was returned to the recipient in Rovno due to the fact that the post office in Bakhmut had not been working since the beginning of hostilities";

"From the moment the war began and to this very minute, no one can receive either parcels or parcels. We are cut off from the world. Previously, it was possible even with a card to pay for the purchase of some goods, and receive it illegally. Since the ruble was put into circulation in the Kherson region, we have lost this too. The cards previously received social benefits for disability. Now we don't get it. Because the new leadership of the institution did not extend our disability groups. It is clear why - so that we are left without means of subsistence";

"We are in Kharkiv, where almost nothing is working due to military operations. There is no logistics at all. Everything that is delivered to the region is the work of volunteers. It is clear that the last thing volunteers think about are convicts who are in colonies";

"Logistics in the occupied territories is completely absent. There is no way to receive anything from anyone";



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“It was from February to May. Now our area has been liberated. They help me. I receive parcels (food, medicines and soap and water) on a regular basis (once a month)”;

“Yes, we were completely cut off from the world from February to May, but since May we slowly began to establish logistics, and we have regained the ability to receive parcels. This help is very important because it makes it possible to survive in the current conditions. Both financially (to eat there, drink tea), but also morally. That once the parcel arrived, then with my relatives the order is (relative), they are alive ”;

The main problem with the protection of rights by street lawyers remains the lack of assistance from professional lawyers in times of war. Currently, there is no access for professional lawyers/lawyers to assist prisoners in the occupied territories. The transfer of prisoners to territories where active hostilities are taking place is still being carried out. This endangers the life and health of prisoners who cannot resist the actions of the penitentiary service of Ukraine. The main difficulties in the work of street lawyers are communication with people who are in places of deprivation of liberty in the occupied territories and in the war zone. Also open is the question of a humanitarian catastrophe; street lawyers working on the territory of Ukraine have to provide prisoners with at least minimal humanitarian assistance (food, hygiene products and medicines). For this, they are used as funding from other projects, the help of partners and caring people.

Since July 2022, a professional lawyer from Ukraine has been working in the project, which provides advisory support for case management of two paralegals. It also analyzes the legislation and its changes in war conditions.

Partners supporting the work of the UnMODE country representative in Ukraine:

- lawyer, senior partner of the Lawyers Association "PROVE" - Guz Oksana
- Director of KP Center for Addiction Therapy - Matsitsky Igor Anatolyevich
- Director of the KP Center for Combating and Preventing HIV / AIDS - Nesterenko Svetlana Viktorovna
- Regional center for the provision of BVPD (free secondary legal assistance) - Cherchaty Alexander Ivanovich
- City center for the provision of BVPD (free secondary legal assistance) - Bubyr Lyudmila Grigorievna
- Law office, Lawyer (part of PROBONO) - Litovchenko Roman Viktorovich
- BO “Eastern Resource Center of the All-Ukrainian Association of People with Drug Addiction “Meridian”
- CO “BF VOLNA”
- Narcologist Health Protection Center Department of Penitentiary Execution of Ukraine Tetyana Anatolyevna Derkach

- 222 people from the project countries, including from Ukraine (who were not/are in the occupied territories), stated that illegal actions were committed against them over the past three years:
- failure to provide medical care - 150 people.
- insults - 120 people.
- threats of harm to health and others - 107 people.
- refusal to provide medical care in a civilian hospital - 80 people.
- illegal placement in more stringent conditions of detention - 55 people.
- inability to file a complaint, appeal - 60 people.
- denial of drug treatment for withdrawal symptoms - 37 people.
- interrogation in a state of withdrawal syndrome - 34 people.
- beatings - 20 people.
- “Since October 2020, due to COVID-19, there has been an interruption of treatment with Buprenorphine, due to the fact that they stopped issuing life-saving treatment. I had to spend a couple of days in a state of withdrawal symptoms. Because I was afraid that if I switch to Methadone, then if they start issuing “Buprenorphine” back, they won’t take me back; this is what happened: I was without medication for 7 days until I started taking Methadone (Ukraine);

“I was locked up in the SIZO with the 2nd group of disability and tuberculosis because I went to visit a relative who was lying down in a neighboring department. Sanitary standards are also violated: the toilet is not fenced, the windows are not ventilated” (Ukraine);

“At the time of detention, physical violence (beatings) was used, the officers waited 2-3 days and began interrogation in a state of withdrawal syndrome, they offered a dose. In this state, in any case, you confess not even to your crime. When presenting evidence in court that this is not your crime (since the interrogation was carried out in a state of withdrawal syndrome), out of 100%, only 15% prove their case, and otherwise they listen to the employees and do not believe us. Therefore, one has to sit because of the impossibility of proving one's innocence” (Ukraine);

“As a disabled person of the first group 1, they should not have been closed at all, especially for an accident without complications, but I was in a state of drug intoxication, this played a role. I have HIV, Hepatitis C, Kaposi's sarcoma (oncology), especially since I need palliative care” (Russia);

“I was detained in a state of intoxication and kept for a day and a half, then they gave me a fine at the court, I said that I use drugs and do not hide it. I told the judge that I have an addiction syndrome and this disease, but they still continue to persecute me for my disease” (Russia);



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“Discrimination on the basis of nationality, I am an Armenian, before my arrest I lived and had a residence permit in Ukraine, Vinnitsa region. After the start of the war, it became especially acute” (Russia);

“They interrogated me in a state of severe drug intoxication, they wanted to turn me into just a drug user who took amphetamine and ppv4 alpha by bookmarks, to make me a member of an organized criminal group, and they kept me for more than a year in prison 13 instead of providing qualified medical narcological assistance” (Moldova);

115 out of 222 prisoners reported that they underwent a medical examination only once, upon admission to a correctional institution, 58 people undergo such examinations by specialist doctors at least once a year, another 39 stated that no examinations were and are not carried out in correctional institution.

Nevertheless, 142 people were tested for HIV, 154 underwent fluorography, less than half of the respondents (79) undergo fluorography once a year, in the vast majority of responses it was noted that there was only access to a therapist (176 responses), 85 people at least once visited an infectious disease specialist , and the other 86 people could not get to him during the serving of their sentences and 59 have access to a phthisiatrician, and 29 do not have such access, 94 convicts need the help of a neurologist, which they cannot get. 53 and 34 people, respectively, demanded the help of a psychiatrist and a narcologist, which they were denied.

Low awareness among convicts about ways to prevent diseases, including preventive vaccinations, showed that 103 people are not interested in these issues and only 44 had the desire and opportunity to be vaccinated against COVID 19, the rest of the respondents do not have the opportunity to vaccinate.

Women prisoners do not have free access to a gynecologist, an appointment is required, and the queue lasts from one to three months (16 responses) or I do not have such an opportunity (4 responses).

102 people do not have access to contraceptives, because the administration believes that sexual relations among convicts are impossible.

Russia

According to the Federal Penitentiary Service (FSIN), by the end of November 2021, about 50,000 prisoners in Russia are living with HIV. In total, about 459 thousand people are kept in pre-trial detention centers, colonies and prisons of the country. Thus, almost 10% of those serving sentences have HIV.

By the end of November 2021, 623 medical units and 135 hospitals for convicts are operating within the penitentiary system. In four regions, the proportion of prisoners with HIV ranged from 20 to 25% of the total prison population. These are the Kemerovo (25%),



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Samara (23%) and Tomsk (20%) regions, as well as the Khanty-Mansi Autonomous Okrug (21%). In the Murmansk and Sverdlovsk regions, the figures are 18% and 17%, respectively. In another 19 regions, the number of HIV-infected people exceeds the average statistical 10%.

System problems :

- obtaining evidence from a detainee in a state of withdrawal syndrome for the purpose of blackmail for obtaining confessions and self-incrimination;
- courts for exemption from punishment due to a serious illness, in their decisions, in case of refusal, often refer to the fact that the convict receives medical assistance in full, is characterized negatively, and has a penalty. Thus, the courts incorrectly execute the norms of the law;
- ineffective medical care in places of deprivation of liberty, lack of psychological support for people with serious illnesses;
- prosecution with administrative fines and arrest for the use of Art. 6.9 of the Code of Administrative Offenses of the Russian Federation.
- Persecution of people who use drugs

Those convicted on drug trafficking cases make up a quarter of all those serving sentences in Russian colonies, (data from the Federal Penitentiary Service for 2021). Also, according to the Judicial Department at the Supreme Court of Russia, the number of people convicted of drug offenses in recent years ranges from 79 thousand to 114.5 thousand people. According to Art. 228 (suggesting only the possession of drugs) and 228.1 (suggesting the manufacture and sale) of the Criminal Code of the Russian Federation, three-quarters of court decisions fall on cases of storage and transportation of drugs; only a quarter - for production and marketing. This indicates that the majority of convicts are just people who use drugs. Courts send from 1% to 4% of convicts for treatment, and up to 50% in colonies. The drug crime control system does not involve helping people who are addicted to drugs, but simply punishing the use or distribution of drugs.

The existing order does not contribute to the correction, but to the disability of people who use drugs, since the vast majority of them have chronic diseases, including HIV. Suppressed immunity, both in the presence of HIV and in its absence in a person who uses drugs, in prison sanitary conditions rarely advising established international standards, contributes to the development of tuberculosis and the exacerbation of chronic diseases. Thus, people who use drugs are most vulnerable to the punitive system of execution of sentences, such convicts are less likely to be released alive, and there are practically no chances to be released healthy.

In the law enforcement system, drug addiction is not considered as a disease, nor is the severity of other chronic diseases of convicted or under investigation people assessed, even if there are diseases that prevent them from serving their sentences. A person, as a rule, will be convicted and whether he will be able to return or not, nobody cares, from which the conclusion follows that the system is directed against a person.

Article 1 of the 1975 Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment proposes the following definition of torture: 1. [...] torture means any act by which severe pain or suffering is intentionally inflicted on a person, physical or mental, by or at the instigation of an official for the purpose of extracting information or confessions from him or a third person, punishing him for acts he has committed or is suspected of having committed, or intimidating him or others.

A clear repressive drug policy towards people who use drugs, instead of state support in difficult situations, people receive real terms of imprisonment just because they are drug addicts. In fact, drug addiction is not recognized as a disease, although medical professionals, narcologists, and psychiatrists clearly say that drug addiction is a disease. At the legislative level, the rights of drug addicts are not respected, there is no access to treatment, there is no choice of treatment, there remains a fairly strong stigma in society towards people who use drugs. There is administrative responsibility for drug use, which provides for a large fine of 4 to 5 thousand rubles <https://internet.garant.ru/#%2Fdocument%2F12125267%2Fparagraph%2F1224%3A12> which is often beyond the power of a person who uses drugs or arrest for up to 15 days (during the arrest, drug treatment for withdrawal symptoms is also not provided), thereby dooming a person to physical pain comparable to torture, in this state the person is most vulnerable, physical pain and psychological craving for drug use make him manageable any impact.

In this regard, there is an acute problem of fabrication of criminal cases, when a confession is obtained from a person who is in a state of acute withdrawal syndrome (drug withdrawal syndrome, which is characterized by severe sweating, trembling, severe muscle pain, uncontrolled muscle spasms / cramps, nausea, stomach spasms and diarrhea). The police have no regulations on how to deal with people suffering from withdrawal symptoms. Theoretically, people suffering from withdrawal symptoms can tell the police officer about their symptoms and ask for help when they are arrested, but often they do not, because of the aggravation of their situation, and holding him accountable for drug use, as well as neither police officers, neither ambulance service personnel can effectively manage the withdrawal syndrome in detention conditions.

Therefore, people in a state of withdrawal often sign confessions in exchange for release or for a dose of a drug to ease their physical pain. Courts later accept such confessions, over the objections of lawyers and the defendants themselves.



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“I retracted my confession in court, said that I testified while havin an abstinence. The court did not take into account my testimony and gave me a real term and found me guilty. I did not commit a crime, I will appeal to the regional court”;

A critical situation is developing in the TDCFC (Temporary Detention Centers for Foreign Citizens) in Russia, where Ukrainian citizens are kept who have been released from places of deprivation of liberty in Russia after serving their sentences, all respondents have serious chronic diseases, including HIV infection, and treatment is not provided in the TsVSIH facility, therefore that Russian legislation does not provide for the provision of treatment for foreign citizens, expulsion to Ukraine is currently impossible. People are offered to obtain Russian citizenship in order to provide them with treatment, this issue cannot be regulated by law in any other way. The Ukrainians held in the TDCFC do not want to acquire Russian citizenship, and they are left without treatment.

Case description:

Dmitry was released from IK-16 in Togliatti on February 4, 2022. After his release, immediately outside the doors of the correctional facility, he was met by employees of the Main Directorate of the Ministry of Internal Affairs of the Samara Region and placed in the Central Military District Center for further deportation. Dmitry has a passport of a citizen of Ukraine with a residence permit in the city of Mariupol, and due to the fact that Mariupol is completely destroyed, there is nowhere to deport him. On April 29, 2022, the court extended his detention in the TDCFC until September 4. Dmitry is HIV-positive and has not had access to life-saving ART drugs since February 4. In this regard, Dmitry and two other citizens of Ukraine went on a hunger strike on May 24 and held it for 20 days, but the situation with the release and provision of ART was not resolved.

“I am a citizen of the DNR (Mariupol), where they already issue Russian passports to everyone. officially the city is under Russian control. But they tell me that I am not a citizen of the Russian Federation and because of this there is no access to ARVT for the treatment of HIV, they offered me to obtain Russian citizenship, I refused, so they do not give me treatment”

Case description:

Andriy was born and lived in Yevpatoria, Crimea, previously had a USSR passport, then took Ukrainian citizenship, and was convicted in Russia in 2020. Therefore, having been released on May 6 from IK-16 in Tolyatti, he was met by employees of the Ministry of Internal Affairs and placed in the Central Military District for further deportation. They issued a decision on



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an undesirable stay in the Russian Federation. Andrei has a mother, sister, nephews in Evpatoria, he has no other home. On May 31, 2022, the prosecutor came to the TsVSiG and offered to enroll in the armed forces. Defend the Zaporizhzhya People's Republic. The prosecutor was rude. Andrei has stage 4B HIV infection and since May 6, 2022, since his release from IK-16, he has not had access to ART due to the fact that he is not a citizen of the Russian Federation. Participated in a hunger strike.

“I was serving a sentence and deliberately did not change my Ukrainian passport, I lived in the Russian Federation, and before that I lived in Crimea. But now I am in prison, although I have not committed anything illegal, I have been released, a decision was made against me to deport me, I do not have access to ARVT because I don't have citizenship, I asked to be sent to Crimea to my relatives, where I would have found a way out of the situation and ARVT, but they told me that they could only deport me to Ukraine, although in fact they can't - I'm sitting, dying.”

Description of the completed case.

Timur and his sister, mother in 1988, at the age of 1 year, was taken out of Uzbekistan. Since 2001, they have all lived in a village in the Samara region, Russia. Timur was registered there, went to kindergarten and school. There is a certificate of pension insurance (SNILS). In 2003, Timur's mother issued a residence permit for everyone. And in 2005, mother and sister received citizenship of the Russian Federation, but Timur did not have time. He had just been arrested. In April 2022, he was released from IK-3 in Novokuibyshevsk. In IK-3, a man collected a package of documents three times in order to obtain citizenship of the Russian Federation. Twice the IKs simply lost their documents, after which the regional court of Samara recognized Timur as a stateless person. Employees of the correctional colony do not want to deal with registration of citizenship and simply apply for deportation. In this regard, Timur went on a hunger strike on May 24 and held it for 20 days, but the situation with the release and provision of medical care and ART was not resolved.

On July 24, 2022, Timur was released and granted a residence permit.

For all three prisoners, the TDCFC was working with the media, the Internet publishing house Radio Liberty published an article. We also filed a complaint with the prosecutor's office regarding the lack of vital drugs for the treatment of HIV infection.

Kyrgyzstan

Since 2019, the Law “On Probation” has been in force in Kyrgyzstan. Probation is a set of measures that includes a wide range of social and legal measures applied by the relevant authorized state body, aimed at creating conditions for the correction of probation clients and their adaptation to life in society, preventing them from committing repeated offenses.

Probation provides for the possibility of a more humane punishment, not related to deprivation of liberty, for persons who have committed a minor crime. Probation gives a chance to a stumbled person to correct himself, while remaining at large. If a person does not want and does not accept these conditions, then he will be sent to places of deprivation of liberty.

The probation authority executes non-custodial sentences. This includes punishments such as community service, correctional labor and behavioral restrictions. The latter is exclusively for minors.

With such a seemingly humane approach, fines are imposed on the violator.

Now for the illegal manufacture, purchase, storage, transportation or shipment of drugs and psychotropic substances without the purpose of sale in small amounts, adults face a fine of 30-60 thousand somas (local currency) with restriction of freedom from three to six months. (Restriction of freedom - the court imposes on the guilty a number of requirements that he must comply with, for example, not to use drugs or not to communicate with certain people). Meanwhile, the average salary in Kyrgyzstan is about 19,000 soms. 3, such fines in most cases are unbearable for people, so they end up in correctional institutions.

When interviewing convicts, only a small percentage of respondents reported violations of their rights, most of the complaints related to the lack of qualified medical care, rudeness was noted on the part of the administration of the institution and medical workers, and interruptions in the issuance of medicines. Based on this, we can conclude that people held in places of deprivation of liberty are little informed about human rights, do not understand the limits of their rights, and thus do not realize that their rights are being violated:

“There are no violations of rights in the institution. In case of violation, we turn for help to the head of the correctional institution, the ombudsman, the prosecutor's office, a psychologist, a social worker, and relatives. but during my time in prison, I personally did not have such situations.

The only problem is the lack of doctors in the institution, the paramedic is rude (due to the fact that the employees also have no provision (medicine, etc.) and therefore conflicts arise)”;

The main monitoring request from convicts was access to social services after release and access to hepatitis C treatment.



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Moldova

The main problem noted by a human rights activist from Moldova is the inability to represent the interests of the defendants in court, this is the prerogative of licensed lawyers; our paralegal also reports that detainees are increasingly not being provided with a lawyer for the first 72 hours. All together complicates the work of paralegals in Moldova.

According to our representative, a situation model is practiced in the country when proxies are invited to investigative actions, thus fabricating cases. The repressive drug policy in the country is evidenced even by legislation, for example, an article on the minimum doses of drugs sufficient to initiate a criminal case. Corruption, discrimination and stigmatization of people who use drugs, unfriendly drug treatment with subsequent drug registration. During the reporting period, no strategic cases were identified in Moldova on the systemic topics of the project; in their statements, the respondents show low motivation in protecting their rights:

“I need to get a final sentence or get out of here, then I will be able to determine exactly what kind of legal assistance I need help and in what amount”;

“I have already made a decision at large whether to complain or not, but I wanted everyone to know that if I was ready to write, I would ask for help. And I need to solve the pressing problems of where to live now and what to do”;

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