

The results of monitoring among people who use drugs, have experience of being detained by police officers and have been subjected to torture and psychological violence in the police.

Diagnostic monitoring of the rights violations of people in custody was carried out by UnMODE human rights specialists in Russia, on January - February 2023.

The subject of monitoring is the observance of the rights of people who use drugs to access effective medical care for withdrawal syndrome, during detention, detention and interrogation/questioning as a suspect, witness, etc.

The monitoring surveys were conducted in an online format based on a pre-prepared online questionnaire developed by the UnMode human rights expert.

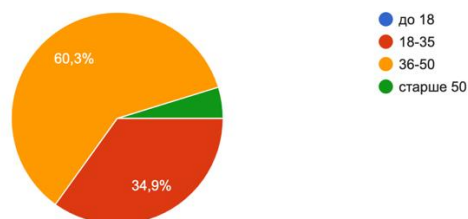
The questionnaire included the main questions concerning the experience of detention by police officers and access to medical care during detention and interrogation, bringing to administrative and criminal responsibility people who use drugs.

The monitoring survey was conducted by anonymous questionnaire, in an online format (by phone, via WhatsApp and Zoom services). The duration of the survey ranged from 30 to 80 minutes, in four regions of Russia: Kaliningrad, Sverdlovsk, Samara and Orenburg regions. If the interviewee wished, he provided his personal and contact details. One of the conditions of the questionnaire was the fact that police officers detained the person being questioned in the period from 2019 to 2023.

Characteristics of respondents

63 people, 41 men and 21 women took part in the survey. The age of the respondents was mainly 36-50 years (60.3%), 18-35 years (34.9%)

2. Ваш возраст
63 ответа

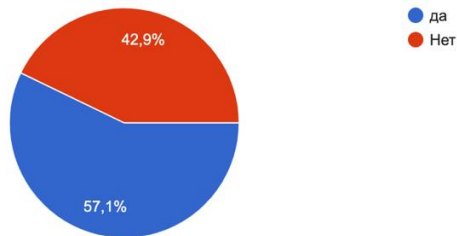


77.8% of people were detained for crimes related to drug use;
85.7% were actively using narcotic substances

57.1% were in a state of withdrawal syndrome at the time of detention, of which 60.7% asked for medical assistance in connection with manifestations of drug withdrawal syndrome, but they

never received it (95.7%) or received a mediocre examination by a medical worker who does not have the qualifications of a narcologist (4.3%).

32. Был ли у вас абстинентный синдром(синдром отмены) в момент задержания?
63 ответа



Access to legal aid and rights of the detainee

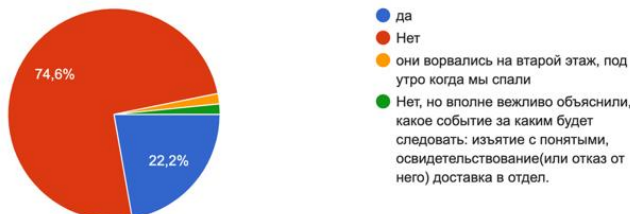
74.6% of the detainees did not receive information about the rights of the detainee, and most of the detention was in a cell or in the investigator's office, while the average time of detention lasted more than three hours;

68.5% explained that they were not provided with sleeping accessories and food;

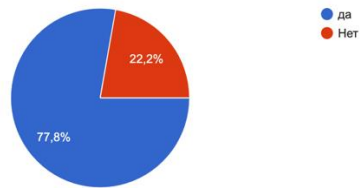
52.4% explained that they were not provided with the assistance of a lawyer;

34.9% reported that they had access to a lawyer only during interrogation as an accused of a crime;

12. Объясняли ли вам при задержании ваши права?
63 ответа



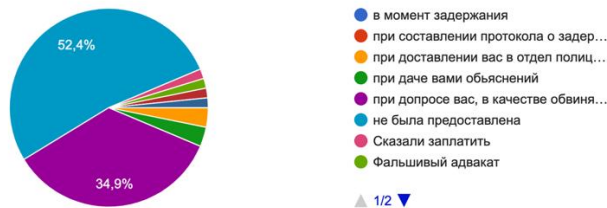
16. Ваше задержание длилось более трех часов?
63 ответа



17. Если да, были вы обеспечены питанием, спальными принадлежностями, водой?
54 ответа



18. Когда вам была предоставлена помощь защитника/адвоката?
63 ответа



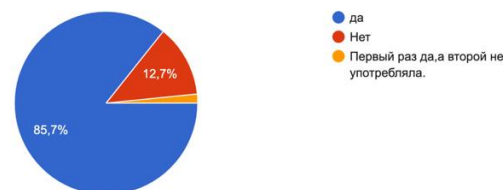
Drug use and medical care for withdrawal syndrome

It should be noted that three quarters of the people who took part in the survey have a long history of drug use:

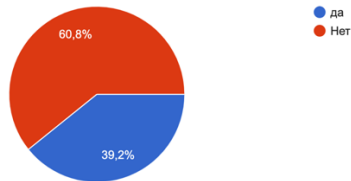
75.9% have been using drugs for more than 10 years, among them 28.7% have been using drugs for more than 20 years;

62.1% of women have a long duration of drug use (from 10 years and above), while 81.0% of men have such experience of using drugs.

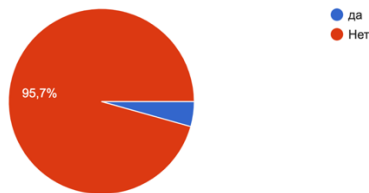
20. Находились ли вы в активном употреблении на момент задержания?
63 ответа



34. Просили ли вы оказать вам медицинскую помощь в связи с абстинентным синдромом ?
51 ответ



35. Была ли вам предоставлена медицинская помощь в связи с абстинентным синдромом?
46 ответов



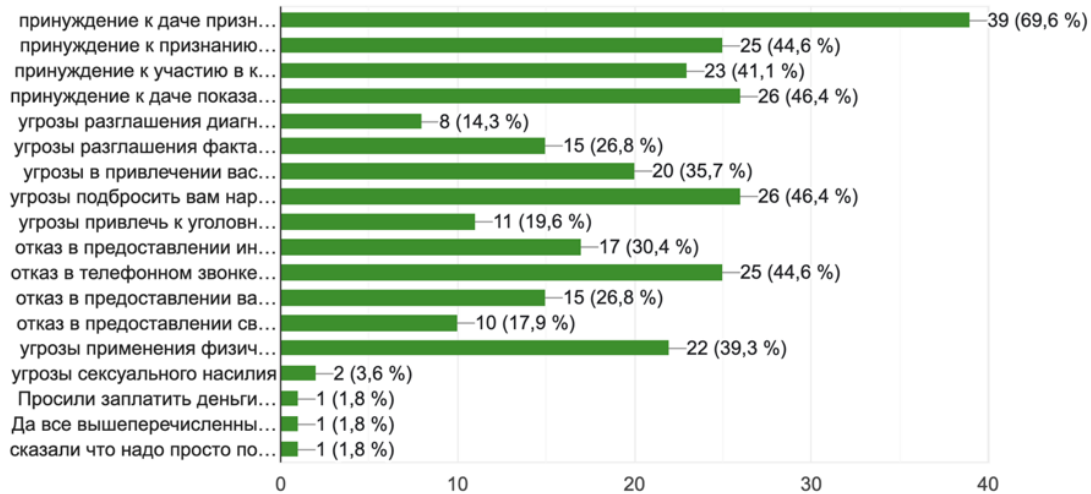
Psychological and physical violence.

50.8% of respondents explained that they were forced to participate in the state of withdrawal syndrome in investigative actions. At the same time, psychological pressure was exerted on the interviewees by police officers:

- Coercion to confess 69.6%
- Coercion to admit guilt in a crime that was not committed (a) 44.6%
- Coercion to participate in a control purchase 41.1%
- Coercion to testify against another person 46.4 %
- Threat of disclosure of the diagnosis 14.3%
- Threat of disclosure of the fact of drug use 26.8%
- Threats to bring to criminal responsibility for a more serious crime 35.7%
- Threats to plant drugs 46.4%
- Threats to bring relatives to justice 19.6%
- Refusal to provide information to relatives about the location of the detainee 30.4%
- Refusal to provide a phone call 44.6%
- Threats of physical force to loved ones 39.3%
- Threat of sexual violence 3.6%

39. Если да, то какое?

56 ответов



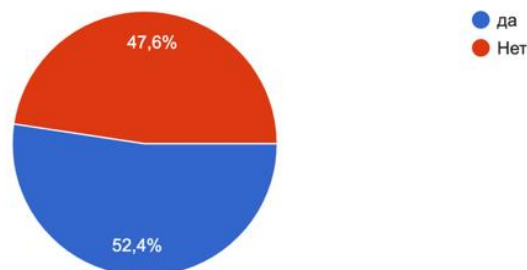
54% stated that due to their detention in a state of withdrawal syndrome, participation in such a state in investigative actions and other events, negative consequences occurred, such as falsification of the criminal case 78.7%, loss of health 98.8%, conviction to long-term imprisonment 34.4% and only 11.1% sought legal assistance in connection with illegal actions of the police during the arrest.

In 52.4% of cases, the respondents noted that during the arrest they were physically pressured by police officers such as:

- Beatings 70.6%
- Failure to provide food and water 55.9%
- Interrogation at night 32.4%
- Interrogation or other investigative actions lasting more than 5 hours in a row 20.6%

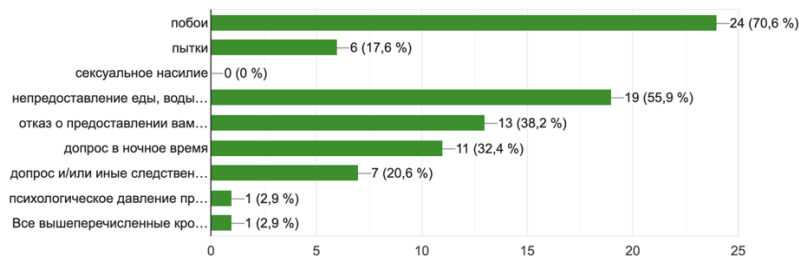
40. Оказывалось ли на вас физическое давление со стороны сотрудников полиции ?

63 ответа



41. Если да, то какое ?

34 ответа



Statements of the interviewees

"I am morally broken, 2 protocols were drawn up for offenses that I did not commit. My ribs hurt for a long time. I'm afraid to meet them, I walk around, fearing a meeting. I had to pay as much as possible, and this caused losses from the family budget. I don't work, there's nowhere to get money";

"Nervous breakdown, broken kidneys. Interrupting HIV therapy, I made a reservation, took on a crime that I did not commit. I was sentenced to imprisonment";

"I didn't know about my rights at the time, I was beaten, I got bruises, abrasions
Moral trauma, exacerbation of kidney disease as a result of hypothermia,
persecution mania, insomnia, dermatological problems (due to unsanitary conditions in the cell)"
Health problems, after beatings, the liver was very sore (I have hepatitis B), weakness, fever.
Broken rib, general deterioration of health. Nervous breakdown, possibly developed resistance to ARV";

"There were headaches after the beatings. I received two fines, which affected my financial condition. Stress. Fear of persecution. The decline of strength and morale";

"I couldn't figure out for 3 days what was happening to me because of withdrawal, I was judged for what I didn't do. Fractured arm, concussion, hematomas, cracked ribs. Stress";

"The City court of first instance awarded 8 years due to false testimony that I gave in a state of withdrawal syndrome";

"I was recovering physically and mentally for a long time";

"Interruption of ARV for the treatment of HIV infection. I couldn't tell my relatives where I was, so I was left without an ARV, two weeks later I had a heart attack"\$



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Documented cases on which street lawyers worked UNMODE

Grigor

Grigor was detained by police officers near the FKLPU OTB-19 of Samara on 12/28/2020 with 44 grams of heroin. He was beaten, shoved into the trunk and taken to IK-6, located next to OTB-19, to the administrative building and was also beaten there, while he was in a state of withdrawal syndrome, reported this to the staff, but no medical assistance was provided to him. Grigor was injured: a tear of the cervical process, a fracture of the scapula. Under the influence of torture, he was forced to stipulate himself, in a state of pain shock and withdrawal syndrome, he testified that he wanted to transfer heroin to the OTB-19 FKLPU. Samara. Then OBNON arrived, and the staff threatened him that if he refused to testify, they would throw another 1 kg of heroin home to him. Currently, Grigor has been sentenced to 6 years in prison. At the moment he is in the pre-trial detention center -1 of Samara.

Maksim

On 12/26/2020, he was detained by the staff of the traffic police, with a narcotic substance. At the time of detention, he was in a state of withdrawal syndrome. I turned to human rights defenders in Yekaterinburg for help in April 2021, in connection with being under investigation under Article 228, Part 2. of the Criminal Code of the Russian Federation.

Maxim was in a state of withdrawal syndrome, he was not given proper medical treatment, under the influence of persuasion and promises of the police to let him go, he fully admitted his guilt, cooperated with the investigation. After that, he was really released on his own recognizance. Despite this, 28.04.2021 Ordzhonikidze District Court of Yekaterinburg sentenced Maxim to 3 years of imprisonment with serving his sentence in a correctional colony of general regime.

Human rights activists petitioned that Maxim should not be given a punishment related to the treatment of freedom, because the crime was caused by the presence of a chronic disease, testimony was taken when Maxim was in a state of withdrawal syndrome, and at the time of the court session he was being treated at a state drug treatment clinic. The court refused to take into account the fact that the crime may have been committed due to the presence of a chronic disease. Moreover, instead of being given the opportunity to complete comprehensive treatment, Maxim was subjected to strict criminal punishment for actually having a chronic disease, which is inhuman and cruel treatment, which violates Part 2 of Article 7 of the Criminal Code of the Russian Federation. 01.07.2021, an appeal was considered in the Yekaterinburg Regional Court in the Maxim case, a petition was filed for admission of a human rights defender, as a defender along with a lawyer. The court granted the request for admission of the defender, the sentence was changed, one day of detention was additionally counted on 12/26/2020, which in principle looks like a mockery.

Sergei

In July 2021, he was detained by police officers for drug use under Article 6.9 of the Administrative Code, he was in the Yekaterinburg police department for two days, where no medical care was provided, they refused to call relatives on the phone to be able to bring the necessary ARVT drugs. As a result, Sergey did not take ARVT drugs for almost seven days, since after the police department he was in a special detention center for administrative detainees for 5 days, he was also refused requests to provide painkillers, since he was in a state of withdrawal syndrome. After being released from serving an administrative sentence, he was hospitalized in a serious state of health, his withdrawal syndrome was also not taken into account at the hospital during hospitalization, and painkillers were not prescribed, Sergey was forced to purchase narcotic substances and use them on the territory of the medical institution, after he was discharged for violating the hospital regime. He needed surgical treatment and withdrawal syndrome removal at the same time, which was the reason for discharge. After a written appeal to the narcological hospital, he was hospitalized after undergoing treatment and withdrawal of withdrawal syndrome. Now the condition has stabilized, but remains severe due to the lack of timely assistance and prolonged physical suffering Sergey has died.

Ivan

On 02/15/2021, he was detained by officers of the patrol guard service, with a narcotic substance in the city of Kamensk-Uralsky, Sverdlovsk region. I turned to human rights defenders for help in June 2021, in connection with being under investigation under Article 228 of Part 2 of the Criminal Code of the Russian Federation.

Ivan, being in a state of withdrawal syndrome at the time of interrogation, was convinced by the police that if he gave the testimony they needed, he would be released on his own recognizance, at that time he was not given any treatment for withdrawal syndrome, he fully admitted his guilt, cooperated with the investigation. Despite this, on 28.08.2021, the Kamensky District Court of the city of Kamensk-Uralsk, sentenced Ivan to 1.5 years of imprisonment with serving his sentence in a high-security penal colony. The court refused to take into account the fact that Ivan's crime may have been caused by the presence of a chronic disease. And the indications were received in a state of withdrawal syndrome. Moreover, instead of being given the opportunity to complete comprehensive treatment, Ivan was subjected to strict criminal punishment for actually having a chronic disease, which is inhuman and cruel treatment, which violates Part 2 of Article 7 of the Criminal Code of the Russian Federation.

During the consideration of the criminal case, the court was provided with evidence that Ivan suffers from a syndrome of dependence on psychoactive substances and is currently undergoing comprehensive treatment at the state clinic of the narcological clinic. This fact was not taken into account by the court when deciding the verdict, which led to the incorrect application of Article

228 of the Criminal Code of the Russian Federation to the accused. Since it puts Ivan in the position of a criminal, while all the available evidence indicates that the accused is a person in a

difficult social situation who needs social and medical support, which was denied at this stage and no medical or psychological assistance was provided and is not being provided in prison. On 09/21/2021, the sentence entered into force, Ivan refused to file an appeal, due to fears that the sentence of 1.5 years in prison could be revised for the worse.

Elena

She is in FKU IK – 16, chapter 228.1 part 3. The sentence is 11 years in prison, she did not admit guilt, the case was falsified by police officers. As a result of torture in a state of withdrawal syndrome, Elena wrote a confession, and admitted guilt in committing a crime, refused to testify in court, referring to the fact that she testified under pressure from police officers and was in a state of "withdrawal". In the Russian Federation, all judicial instances have passed, a complaint has been filed with the ECHR. At the moment, while in prison, the convict's health has deteriorated, chronic stomach ulcer has worsened, lymph nodes have become inflamed, additional examination is needed and surgical treatment is possible

Alexander

Alexander was detained in the fall of 2021 in the city of Kaliningrad, being in a state of withdrawal syndrome, was persuaded by a lawyer for appointment and an investigator to confess under Chapter 318 of the Criminal Code of the Russian Federation (use of violence against a representative of the authorities). A criminal case was initiated against Alexander. On 11.01.2022, during the court session, he refused to testify, saying that he had been misled by an investigator and a lawyer for the intended purpose, who took advantage of his serious health condition. As a result, Alexander was sentenced to imprisonment, according to the testimony given in a state of withdrawal syndrome.

Alexey

Detained by police officers on 08.07.2021. Having failed to find prohibited substances during the search, they were taken to the hospital department, where narcotic drugs were found and seized during an endoscopic examination of the stomach, a criminal case was opened on 09.07.2021, all this time Alexey was in a state of withdrawal syndrome, asked orally to provide him with medical assistance due to poor health (withdrawal syndrome), to which he was refused verbally. Upon arrival at the police department, a lawyer by appointment was given a call. Due to the fact that he was accompanied by a non-profit organization, he called the case manager, who advised him not to give evidence in a state of abstinence. Due to the fact that the conversation took place

on a speakerphone in the investigator's office, the latter dropped the call and explained that if they interfere with the investigation authorities now, they will not call again. After the arrival of the case manager at the police department, a conversation with a lawyer and an investigator, an ambulance was called. Ambulance, made one injection of an anesthetic drug, which was not

specifically reported. They refused to take me to the hospital. While being in the police department, the operatives and the investigator repeatedly reminded about drug addiction and insulted, saw that Alexey was ill and tried to force him to testify. As a result, Alexey was sentenced to imprisonment.

Conclusions

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 action by which a person is intentionally inflicted severe pain or suffering, physical or mental, by an official or at his instigation in order to obtain information or confessions from him or from a third person, punish him for actions that he has committed or is suspected of committing, or intimidate him or others.

A clear repressive drug policy against people who use drugs, instead of state support in difficult situations, people receive real terms of imprisonment only for being drug addicts. In fact, drug addiction is not recognized as a disease, although medical professionals, narcologists, psychiatrists, unequivocally 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 is a rather strong stigma in society towards people who use drugs. There is an administrative liability for drug use, which provides for a large administrative fine in the amount of four thousand to five thousand rubles or administrative arrest for up to fifteen days, which is often beyond the power to pay for a person who uses drugs or arrest for up to 15 days (during the arrest, drug treatment for withdrawal syndrome is also not provided), especially thereby condemning a person to physical pain comparable to torture, in this state a person is most vulnerable, physical pain and psychological craving for drug use make him manageable, subject to any external influence, which is used by police officers. In this regard, there is an acute problem of fabricating criminal cases, when obtaining confessions 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 / convulsions, nausea, stomach cramps and diarrhea). The police have no regulations on how to deal with people suffering from abstinence. Theoretically, people suffering from withdrawal syndrome can inform a police officer about their symptoms during detention and ask for help, but often they do



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not, because of the aggravation of their situation, and bringing him to responsibility for drug use, and neither police officers nor ambulance service staff can effectively stop withdrawal syndrome in conditions of detention. Therefore, people who are in a state of withdrawal syndrome often sign confessions in exchange for release or for a dose of a drug to ease their physical pain. Later, the courts accept such confessions, despite the objections of the lawyers and the defendants themselves.

“I refused to confess in court, said that I testified being on abstinent syndrome. The court did not take into account my testimony and assigned me a real term and found me guilty. I did not commit a crime, I will appeal to the regional court”

All detainees, regardless of their legal status and the place in which they are held, must have real access to medical services. In addition, prisoners in pre-trial detention should, in principle, be given the opportunity to consult with their own doctor and receive appropriate treatment from him (at their own expense)

*Paragraph 71 of the Twenty-sixth General Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.