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Reference: ips1698f

Date: Tuesday, March 22, 2022

Type: Human rights violation

Original: English

Consent: I am/we are the representative(s) of the alleged victim(s), and I/we have her/his/their consent

Related mandates

- freedom of peaceful assembly and of association
- human rights defenders
- independence of judges and lawyers
- international solidarity
- torture

Victims

Name: Aleksey Kalugin

Type: Individual

Sex: [REDACTED]

Date of birth: [REDACTED]

Victim is a child (under 18 years of age)? [REDACTED]

Nationality: Russian Federation

Email: [REDACTED]

Telephone: [REDACTED]

Address: [REDACTED]

Occupation: Attorney

Affiliation or activity: [REDACTED]

Submitted by

Name: OVD-Info

Type: Group

Email: data@ovdinfo.org

Address:
OVD-Info
127051, Russian Federation, Moscow, Maly Karetny, 12, OVD-Info

Describe the activities of the group/community, civil society or other entity:

OVD-Info is an independent human rights media project aimed at monitoring cases of political persecution in Russia and providing legal assistance to victims of such persecution. Today, OVD-Info operates a 24-hour federal hotline to collect information on all types of political persecution and coordinate legal assistance to its victims, provides legal education to activists and researches different types of political persecution in Russia.

Contact persons of the group/community, civil society or other entity:

Denis Shedov:
[REDACTED]

Daria Korolenko:
[REDACTED]

Disclosure

Does the alleged victim(s) or group/community agree to have their name(s) disclosed in a letter that may be sent to the Government, or others, such as intergovernmental organisations including United Nations entities, businesses, military or security companies?
Yes

Does the alleged victim(s) agree to have their name(s) appear in a public report to the Human Rights Council?
Yes

Case details

Country where the incident allegedly occurred/is occurring/might occur: Russian Federation

Please provide a short chronological summary of the incident: what happened; when (date/time); who was involved?

On the night of March 7, when there were detainees at anti-war actions in numerous police departments, the police used force against attorney Aleksey Kalugin, who is working with OVD-Info, in St. Petersburg police department № 31.

Kalugin arrived at the department together with his colleague Sergei Podolsky, who is also working with OVD-Info, to represent the interests of the detainee who was there. Both lawyers had attorney licences and orders (a legal document confirming the powers in a specific case) with them.

The officer on duty refused them entry into the station, citing an order from his superiors. The lawyers responded that they wanted to write a complaint about the officers' wrongful conduct. The duty officer said he would come out to talk to them. After a while, another officer did indeed come out to talk — as Kalugin found out later, it was the commanding officer of this police station — Kirichenko Andrei Viktorovich. He did not introduce himself and did not show his police badge, that is, the only signs by which Kalugin could presumably identify the official in him were his uniforms and the fact that he was leaving the police administrative building.

Kirichenko demanded that Kalugin stop filming. The officer started to rough up Kalugin: knocking the telephone out of his hand and twisting his arm so that he would stop filming. After that, Kirichenko tried to handcuff Kalugin but was unable to do it alone. Another officer came running to help him and pinned Kalugin up against the gate. They then took him into the station. According to the attorney, the handcuffs were put on completely unprofessionally: one hand was facing up, one was facing down and the handcuffs left marks on his wrists.

Kalugin was in handcuffs for 15 minutes. At that point, the other attorney Sergei Podolsky, who they also let into the station, requested that they take Kalugin to the office of the commanding officer. The commanding officer ordered the handcuffs to be removed, but still obstructed the attorneys work. He accused Kalugin and Podolsky of defending Nazis and of abetting them, threatening them both with criminal prosecution for using violence against a state agent (Criminal Code Article 318) and insulting an officer (Criminal Code Article 319). He used degrading language, swear words and direct threats, stating that Kalugin will not have his attorney's license anymore.

The commanding officer then demanded that Kalugin delete the video from his phone, which he did, though it was later restored. The commanding officer allowed Podolsky to help his client only after the video was deleted, and threatened to cite Kalugin for failure to obey the police (Administrative Code Article 19.3). This all remained at the level of threats and they released the attorneys.

Are there witnesses to the incident? Don't know

Is there evidence or substantiating information concerning the incident? Don't know

Does the alleged victim believe she/he was targeted due to her/his Engagement in human rights, trade union, political, religious activities or other types of activities

Alexey Kalugin is an attorney working with OVD-Info. During protests, he is helping the detainees in police stations and courts.

We believe that this case of violence against an attorney and a human rights defender directly interferes with his professional activities and the rights of the detainees to have access to legal help.

Has the incident been reported to the relevant authorities? Yes

Please include details of any complaints filed or any other action taken by the alleged victim(s) or anyone else on their behalf?

Aleksey Kalugin filed a criminal complaint to the investigative department for the Kirovsky District of the Investigative Committee of the Russian Federation for St. Petersburg about the crime under paragraph n. "a", "b" part 3 of Art. 286 of the Criminal Code of the Russian Federation, namely, the commission by officials of actions that clearly go beyond their powers and entail a significant violation of their rights and legitimate interests, as well as the legally protected interests of society or the state, committed with the use of violence and special means.

On March 13, Aleksey Kalugin had also filed a formal complaint to the Prosecutor's Office of the Kirovsky District of St. Petersburg regarding the violation of the law by the authorities.

On March 18 OVD-Info also had launched a petition (<https://legalpetition.ru/stopviolence>) to Minister of the Interior Affairs Vladimir Kolokoltsev, Ombudsman Tatyana Moskalkova and members of the Human Rights Council with a demand to check the incident and stop violence against lawyers.

Has the Government taken action to prevent or investigate the incident, punish the perpetrators, or ensure compensation to the alleged victim(s)? Yes

What is the status or what has been the outcome of these proceedings?

The criminal complaint was admitted and is currently under consideration.

Is this case under consideration by any other international or regional body? Don't know

freedom of peaceful assembly and of association

In what type of activity/ies is the alleged victim (person(s) or organization) engaged?

Aleksey Kalugin is an attorney working with OVD-Info. During protests, he is helping the detainees in police stations and courts. Since February 24, we have been monitoring mass detentions in connection with anti-war actions on a daily basis. Detentions are often accompanied by violence; on March 6 alone, we recorded dozens of cases of severe beatings. In some cases, there were serious injuries — some of the detainees had their heads smashed, others had a sprained ligament, dislocated shoulder. The security forces are especially zealous, according to our observations, in St. Petersburg. In particular, they repeatedly used stun guns on detainees. However, we are aware of numerous cases of violence in other cities, for instance, Moscow and Nizhny Novgorod. Unfortunately, the use of violence against participants in peaceful protests is not new to us; practically every mass event that is not authorised by the local administration is violently dispersed by the police. In all the years of observation, we do not know of a single case where any of the law enforcement officers was held responsible for this. On the contrary, protesters are persecuted on charges of violence, most often because they tried to defend themselves or stand up for someone. In these circumstances, lawyers and attorneys are needed to secure and protect people's rights to freedom of assembly and association. However, there are mass cases of non-admission of lawyers to police departments — at least 137 cases were recorded by OVD-Info since February, 24. The police do not have the

right to prevent attorneys with orders from seeing their clients. Non-admission is clear evidence that the departments violate the rights of detainees. Often, departments announce the so-called "fortress" contingency plan, which is secret and based on an instruction rather than any law. Moreover, it can only be introduced in the event of an armed attack on a department. According to our observations, the police routinely introduce it solely in order to keep lawyers out.

human rights defenders

Please indicate the status of the alleged victim(s) as a human rights defender: in what human rights activity is the alleged victim (person(s) / organization) engaged?

We believe that this case of violence against an attorney and a human rights defender directly interferes with his professional activities and the rights of the detainees to have access to legal help. This problem has been repeatedly appealed to the courts, and addressed by the Commissioner for Human Rights during the annual meeting with the President of the Russian Federation. At the same time, the problem of violation of the rights of lawyers is not being solved, but on the contrary, it is getting worse and even now our colleagues are subjected not only to restrictions, but also to physical violence by the police. In January 2021, in the Moscow police department for the Danilovsky district, which has a notorious reputation for using violence against detainees, Mansur Gilmanov, an attorney for the Apology of Protest, came to represent the interests of the client, was beaten and left overnight. Later, he was arrested for five days for disobedience to a police officer. Attorneys Dmitry Zakhvatov and Anton Yarov were forced out by the police from their clients, detained at the rally. Lawyer Anna Fomina was pushed out of the department, allegedly due to the lack of an attorney's status (not required by law). Lawyer Leonid Solovyov was pushed out of the police department. Lawyer Ilya Sidorov was also forced out of the police department, where his clients, who were detained at the protest, were located. Lawyer Sergei Telnov was subjected to violence when police denied him admission to the police station, and on another occasion was threatened with rape. During ongoing since February 24 anti-war protests, another lawyer who arrived to help the detainees already experienced the same treatment from the police officials in the same police station № 31 in Saint Petersburg — but wishes to remain anonymous for fear of retaliation and criminal prosecution. Also, on March 13, the police in Nizhny Novgorod shouted at lawyer Ketevan Kurashvili at the entrance to the department and inside, pushed her, took away her license certificate. Police prevented Kurashvili from consulting the detainees who were inside the department. Considering the above, we believe that the case of the violence used against Kalugin is an alarming tendency.

torture

Please indicate where the person was seized (city, province, etc.) and location at which the torture was carried out, if known.

Russia, Saint-Petersburg, Sevastopolskaya street, 50/11

Indication of the forces carrying out the torture.

Police officials working in the police department №31

Description of the form and methods of torture used and any injury sustained as a result.

Handcuffing, arm twisting, infliction of severe physical pain in the form of hits, verbal humiliation.

Were any person, such as a lawyer, relatives or friends, permitted to see the alleged victim(s) during detention? If so, how long after the arrest?

Attorney Sergei Podolsky, who arrived with Kalugin to help the detainee, was permitted to see Kalugin 15 minutes after the arrest.

What was believed to be the purpose of the torture?

The purpose - to interfere with the work of the lawyer and not allow him to help the person detained at the protests who was in this police department.

Was the alleged victim(s) examined by a doctor at any point during or after victim's ordeal? If so, when? Was the examination performed by a prison or government doctor?

On March 7, 2022, Kalugin applied for medical help to the St. Petersburg State Budgetary Institution of Health "City Polyclinic No. 109", where medical workers examined the injuries he received as a result of illegal actions of Andrei Kirichenko and other unidentified officials from among the employees of the 31st police department.

Was appropriate treatment received for injuries sustained as a result of the torture?

The examination was performed in accordance with medical standards.

Was the examination performed in a manner which would enable the doctor to detect evidence of injuries sustained as a result of the torture? Were any medical reports or certificates issued? If so, what did the reports reveal?

A medical certificate with the record of the injuries was issued. The report reveals multiple severe bruises and abrasions on the wrists and other body parts.

Perpetrators

Is the identity/occupation of the alleged perpetrator(s) known? Yes

Were the alleged perpetrators State agents or believed to be State agents? Yes

If the alleged perpetrators were State agents, were they acting in their official capacity? Yes

Name: Employees of the police department №31 in Saint-Petersburg **Type:** Group

Telephone: +7 (812) 252-07-02

Address:
Russia, Saint-Petersburg, Sevastopolskaya street, 50/11

Description of the group/community (including, if relevant, number of members; number of women, men, girls and boys; indicate the group/community leader(s); other facts):

Most of the employees — apart from the head of the department Kirichenko Andrei Viktorovich — are not identifiable and therefore it is hard to file an individual complaint against them. Moreover, according to the Order of the Ministry of Internal Affairs of Russia dated 09/01/2017 N 690, the head of the police department is responsible for overseeing the management of the department and bears personal responsibility for the fulfillment of the tasks assigned to the department, discipline and subordinates' compliance with law, the effectiveness of preventive and educational work. Consequently, taking into account his personal involvement in the incident, Andrei Viktorovich Kirichenko is the main actor in this incident. Yet it is still crucial to note the actions of other officers and the repetitive malpractice in this department.

Describe the activities of the group/community, civil society or other entity:

The police department is a structural subdivision of the territorial body of the Ministry of Internal Affairs of Russia at the district level, implementing the tasks and powers of the internal affairs bodies of the Russian Federation on the territory of the municipality. The boundaries of the service area of the police department are determined by the legal act of the head (chief) of the relevant territorial body of the Ministry of Internal Affairs of Russia at the regional level.

The main activities of the department (department, point) of the police are: 1) protection of the individual, society, state from unlawful encroachments; 2) prevention and suppression of crimes and administrative offenses; 3) detection and solving crimes, conducting an inquiry in criminal cases; 4) searching for persons; 5) proceedings on cases of administrative offenses, execution of administrative penalties; 6) ensuring law and order in public places; 7) certain migration issues.

The activities of a police department are open to society and public to the extent that this does not contradict the requirements of the legislation of the Russian Federation.

Occupation of group/community members: Police officers

Members: Andrei Kirichenko (Russian Federation)
