



**RUSSIAN FEDERATION:
Impunity for Gender-Based Violence in Violation of the Convention against Torture**

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Written Statement submitted by
The Advocates for Human Rights, an NGO in special consultative status**

The Advocates for Human Rights (The Advocates) is a non-profit, non-governmental organization working to implement international human rights standards to promote civil society and reinforce the rule of law. The Women’s Human Rights Program of The Advocates for Human Rights applies international human rights standards to advocate for women’s human rights around the world. Founded in 1993, The Women’s Human Rights Program has specialized expertise in countries with transitioning legal systems that focus on building democracy and respect for human rights. The Women’s Human Rights Program has worked extensively in Central and Eastern Europe and the former Soviet Union (CEE/FSU), and has published 20 reports on violence against women as a human rights abuse. The Advocates has also hosted regional conferences addressing best practices and legal reform on violence against women which were well attended by Russian activists and supporters of women’s rights. The Women’s Human Rights Program also created training modules on access to justice and drafting legislation on violence against women in all its forms for UN Women’s Virtual Knowledge Centre.

I. EXECUTIVE SUMMARY

1. The Russian Government, at all levels of the law enforcement system, has systematically failed to take action to address mass rapes and sexual assaults in the town of Kushchyovskaya in the Krasnodar Region. Impunity for rape and sexual assault in Kushchyovskaya is symptomatic of human rights violations in other parts of Russia.
2. Kushchyovskaya is located near the northern Caucasus area of the Russian Federation. In 2010, the Committee on the Elimination of Discrimination against Women singled out the issue of gender-based violence in this region of Russia, calling on the Russian Republic to:

“take all necessary measures to end the impunity for violence against and killings of women and girls in the northern Caucasus, by ensuring that such cases are fully and promptly investigated and that perpetrators are brought to justice, regardless of whether they are State or non-State actors. The Committee calls on the State party to ensure the provision of adequate reparation to the surviving victims, including the families of the

deceased, and to send a clear message that human rights abuses will not be tolerated and will be addressed through human rights complaints, thorough investigations, fair trials and punishment of the perpetrators.”¹

These problems persist—in the northern Caucasus area in nearby towns like Kushchyovskaya—and the Russian Government is not taking adequate measures to address that Committee’s concerns.

3. The Advocates recommends that the Russian Government:
 - (a) conduct a full-scale investigation into rape and sexual assault crimes in Kushchyovskaya over the past 20 years, including confidential interviews with all possible victims, taking all possible measures to ensure the safety of interviewees, and ensure that the perpetrators, any co-conspirators, and government actors found to have acquiesced to or facilitated those crimes, are identified and held accountable;
 - (b) establish detailed nationwide data collection and tracking practices on rape and sexual assault, including reported incidents, investigations, charges brought, charges dropped, and convictions obtained;
 - (c) take all necessary measures to end impunity for rape and sexual assault in Kushchyovskaya and other localities facing similar human rights violations;
 - (d) ensure that victims of violence against women receive adequate reparations;
 - (e) establish a comprehensive program to protect women from sexual violence, including public education, heightened criminal penalties, aggressive prosecutions, and training for law enforcement, investigators, prosecutors, judges, and education officials;
 - (f) expand the number of crisis centers throughout Russia, particularly in towns and rural areas, for victims of sexual and domestic violence.

II. THE RUSSIAN FEDERATION’S OBLIGATIONS UNDER THE CONVENTION AGAINST TORTURE

4. The Convention against Torture defines torture as severe mental or physical pain or suffering that is intentionally inflicted either by a State actor or with the consent or acquiescence of a State actor for an unlawful purpose.² State parties are obligated to protect victims from torture and hold perpetrators accountable, as set forth in article 2 (non-derogable requirement of effective legislative, administrative, judicial, or other measures to prevent acts of torture, including acts by private actors), article 4 (acts of torture must be identified as offenses under criminal law and receive appropriate penalties), article 7 (criminalized cases of torture should be submitted to authorities for prosecution), article 12 (prompt investigation by impartial and competent authorities), article 13 (victim’s right to complain and to have her complaint examined by competent authorities, and article 14 (victim’s right to redress and compensation, including rehabilitation).³

¹ Committee on the Elimination of Discrimination against Women, Concluding Observations, Russian Federation, para. 25, 16 August 2010.

² Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984), art. 1.

³ Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984), arts. 2, 4, 7, 12–14.

5. The Committee against Torture has recognized that rape is a form of torture and that under the convention State parties have an obligation to prevent rape and other forms of gender-based violence, to protect victims from such violence, and to provide redress and rehabilitation to victims of such violence.⁴ Rape and sexual assault contravene the Convention when the government fails to prevent such violence and does not prosecute or punish perpetrators of the violence.⁵ General Comment No. 2 recognizes:

[W]here State authorities or others acting in official capacity or under colour of law, know or have reasonable grounds to believe that acts of torture or ill-treatment are being committed by non-State officials or private actors and they fail to exercise due diligence to prevent, investigate, prosecute and punish such non-State officials or private actors consistently with the Convention, the State bears responsibility and its officials should be considered as authors, complicit or otherwise responsible under the Convention for consenting to or acquiescing in such impermissible acts. Since the failure of the State to exercise due diligence to intervene to stop, sanction and provide remedies to victims of torture facilitates and enables non-State actors to commit acts impermissible under the Convention with impunity, the State's indifference or inaction provides a form of encouragement and/or de facto permission. The Committee has applied this principle to States parties' failure to prevent and protect victims from gender-based violence, such as rape⁶

6. Russian law criminalizes rape and sexual assault (identified as “crimes against gender freedom” and “crimes against gender inviolability” in the Russian Criminal Code).⁷ Under Article 151 of the Criminal Procedure Code, the public prosecutor's office has jurisdiction to investigate reports of these crimes.⁸ Under Article 144, “[w]hen checking a report on a crime, the . . . investigator and prosecutor shall be entitled to demand carrying out documentary and audit inspections and to draw specialists to participation therein.”⁹ Mass media reports of crimes trigger an obligation to investigate.¹⁰ The public prosecutor's office has three days to act on a

⁴ Committee against Torture, General Comment No. 2: Implementation of Article 2 by States Parties, 24 January 2008, UN Doc. No. CAT/C/GC/2, ¶ 18. See also Amnesty International, *It's in Our Hands: Stop Violence Against Women*, at 76 (2004), available at <http://www.amnesty.org/en/library/asset/ACT77/001/2004/en/d711a5d1-f7a7-11dd-8fd7-f57af21896e1/act770012004en.pdf> (last visited 11 October 2012) (“International human rights courts and international criminal tribunals have affirmed that the pain and suffering caused by rape are consistent with the definition of torture. In many circumstances under international law, rape has been acknowledged as a form of torture owing to the severe mental and physical pain and suffering that is inflicted on the victim.”).

⁵ The Advocates for Human Rights, *StopVAW*, available at http://www.stopvaw.org/Convention_against_Torture_and_Other_Cruel_Inhuman_or_Degrading_Treatment_or_Punishment_CAT.html (last visited 11 October 2012). Amnesty International, *It's in Our Hands: Stop Violence Against Women*, at 76 (2004), available at <http://www.amnesty.org/en/library/asset/ACT77/001/2004/en/d711a5d1-f7a7-11dd-8fd7-f57af21896e1/act770012004en.pdf> (last visited 11 October 2012) (“The state is accountable under international human rights law for rape by its agents. It is also accountable for rape by private individuals when it has failed to act with due diligence to prevent, punish or redress it.”).

⁶ Committee against Torture, General Comment No. 2: Implementation of Article 2 by States Parties, 24 January 2008, UN Doc. No. CAT/C/GC/2, ¶ 18.

⁷ Criminal Code of the Russian Federation, articles 131–133.

⁸ Criminal Procedure Code of the Russian Federation, article 151(2)(1)(a).

⁹ Criminal Procedure Code of the Russian Federation, article 144(1).

¹⁰ Criminal Procedure Code of the Russian Federation, article 144(2).

report of a crime, but that period may be extended by “up to thirty days on the petition of the investigator or inquirer.”¹¹

7. In considering the Russian Federation’s fourth periodic report, the Committee noted with concern that “the definition of the term ‘torture’ as contained in the annotation to article 117 of the Criminal Code does not fully reflect all elements of the definition in article 1 of the Convention which includes the involvement of a public official or other person acting in an official capacity in inflicting, instigating, consenting to or acquiescing to torture.”¹² The Russian Federation now contends that article 117 of the Criminal Code is in compliance with the Convention because it now defines torture as “the infliction of physical or mental suffering for the purpose of coercing the victim to provide testimony or to perform other actions contrary to his or her will, for the purpose of punishment or for other purposes.”¹³ Notably, however, the Russian Criminal Code still fails to criminalize “the involvement of a public official or other person acting in an official capacity in . . . acquiescing to torture,” as required under article 1.¹⁴

8. The Russian Federation’s fifth periodic report to the Committee against Torture contends that “[p]roblems of violence against women are the focus of constant attention by the authorities at all levels,”¹⁵ and that “[p]rocurators look into all reports of violations of the rights and lawful interests of women and take action to halt any infractions that have been detected.”¹⁶

9. The report provides some statistics on domestic violence, but no data pertaining to rape or sexual assault.¹⁷

10. The Committee in 2007 also urged the Russian Federation to “revise the current procedure of compensation, to bring it in line with constitutional requirements and obligations under article 14 of the Convention, ensuring that appropriate compensation is provided to victims of torture. The State party should ensure that appropriate medical and psychological assistance is also provided to victims of torture and ill-treatment.”¹⁸

11. With respect to the treatment of victims of torture, the report observes: “In 2005, the Federal Act on State Protection of Victims, Witnesses and Other Participants in Criminal Proceedings entered into force; its purpose is to protect victims of crime, including trafficking in persons. In addition, a Government decision approved the State programme 2009–2013 to ensure

¹¹ Criminal Procedure Code of the Russian Federation, article 144(1)–(3).

¹² Committee against Torture, Concluding Observations, Russian Federation, 6 February 2007, UN Doc. No. CAT/C/RUS/CO/4, ¶ 7.

¹³ Russian Federation, Fifth Periodic Report to the Committee against Torture, 28 December 2010, UN Doc. No. CAT/C/RUS/5, ¶¶ 1–2.

¹⁴ See Russian Federation, Fifth Periodic Report to the Committee against Torture, 28 December 2010, UN Doc. No. CAT/C/RUS/5, ¶¶ 1–10.

¹⁵ Russian Federation, Fifth Periodic Report to the Committee against Torture, 28 December 2010, UN Doc. No. CAT/C/RUS/5, ¶ 329.

¹⁶ Russian Federation, Fifth Periodic Report to the Committee against Torture, 28 December 2010, UN Doc. No. CAT/C/RUS/5, ¶ 331.

¹⁷ Russian Federation, Fifth Periodic Report to the Committee against Torture, 28 December 2010, UN Doc. No. CAT/C/RUS/5, ¶ 330 (“In recent years, there has not been a large number of registered reports of domestic violence targeting women, which, in 2008–2009, did not exceed 4 per cent of all crime; 96 per cent of offences in this category were solved.”).

¹⁸ Committee against Torture, Concluding Observations, Russian Federation, 6 February 2007, UN Doc. No. CAT/C/RUS/CO/4, ¶ 20.

the safety of victims, witnesses and other participants in criminal proceedings, which envisages a set of measures for rehabilitating and assisting victims.”¹⁹

III. TWO DECADES OF IMPUNITY FOR TORTURE: MASS RAPES IN KUSHCHYOVSKAYA

12. Since the 1990s, an organized criminal gang called the “Tsapki,” named after founder Nikolai Tsapok, has been active in the town of Kushchyovskaya. Since the gang’s formation, Tsapok’s nephews, Sergei and Nikolai Tsapok, and several hundred young men have joined the gang. The Tsapki gang has conducted mass rapes of women and girls in the town of Kushchyovskaya since the 1990s. Gang members openly select their sexual assault victims in schools, the medical training institute, other educational establishments, and on town streets.²⁰

13. The town of Kushchyovskaya is a large regional center with a population of 30,200. The Kushchyovskaya sub-region includes 74 population centers and 12 rural settlements. For inhabitants of the many neighboring towns, Kushchyovskaya is the sole opportunity to obtain a higher education. Young women who come to Kushchyovskaya to further their academic studies typically live in a dormitory or rent a room from local townfolk.

14. The gang deliberately selects its victims from among these newcomers.²¹ In many places around the world, perpetrators of violence against women frequently select such populations as targets. Perpetrators understand that such women are a vulnerable, transitory population not likely to be easily available for any subsequent criminal investigation. According to one report, “[t]he majority of the victims [in Kushchyovskaya] are female students at the medical college. 400 students are enrolled, and 350 of them are 17- to 20-year-old women.”²²

15. The impunity for human rights violations in Kushchyovskaya is not unique. “Experts say that in Russia there are dozens of criminal enclaves ruled by similar medieval mayhem.”²³ One national opposition leader says the Tsapki are a “tumour” that has spread across the entire country.²⁴

¹⁹ Russian Federation, Fifth Periodic Report to the Committee against Torture, 28 December 2010, UN Doc. No. CAT/C/RUS/5, ¶ 339.

²⁰ Yelena Kostyuchenko, “We are to live here. Part I,” *Novaya Gazeta*, No. 136 (3 December 2010) available at <http://www.novayagazeta.ru/society/555.html> (last visited 9 October 2012).

²¹ Yelena Kostyuchenko, “We are to live here. Part II,” *Novaya Gazeta*, No. 137 (6 December 2010) (“The Tsapki tried to take non-local girls. . . They most frequently ‘pinched’ the girls from neighboring towns who had come to Kushchyovskaya to study. The victims were between 14 and 20 years old. They were grabbed on the streets. At the entrance gate of the institute. In a café. In the parks. Taken from school dances. From 1993 through 2002—the period of Nikolai Tsapok’s rule—they were taken ‘the tough way.’ They went into institutes, into classrooms, pointed a finger at the ones they liked the looks of. They burst into apartments, breaking down the doors, and sometimes the windows. They dragged them off into cars out on the streets. Under Sergei the ‘chesa’ method was popular. A car stops and a smiling guy leans out: ‘What’s your name?’ It’s not possible not to respond—it is rude, and rudeness is punished. It’s not possible to respond—you would be making contact, and that would mean that you wanted to get to know him. . . There is no point in hiding your telephone number or address—the Tsapki can easily get that information from the place where you go to school. There’s no longer any need to break down apartment doors—the landlords recognize the Tsapki by sight and unlock the doors on demand.”) available at <http://www.novayagazeta.ru/society/529.html> (last visited 9 October 2012).

²² *Ibid.*

²³ Grigorii Sanin, “Kushchyovskaya Rus’,” *Itogi*, No. 48 (29 November 2010).

²⁴ “Authorities to blame for criminalization of Russia - TV report,” *BBC Monitoring International Reports* (23 November 2010) available at <http://www.accessmylibrary.com/article-1G1-242748526/authorities-blame->

A. Hundreds of women in Kushchyovskaya have been subjected to torture, as described in Article 1 of the Convention, as well as cruel, inhuman, and degrading treatment, as identified in Article 16 of the Convention.

16. According to a 2010 report, “[m]ore than 200 women were raped [in Kushchyovskaya]. The Tsapki took anyone they liked the looks of by force.”²⁵ One reporter who spent extensive time investigating mass rapes in Kushchyovskaya concluded: “I think that there were far more than 220 rapes. From 2008 to 2010 alone there were 47 reports made to the Kushchyovskaya police (incidentally, criminal charges were brought in only two of those cases). The gang has been active for 20 years. But the majority of young women who are victims did not go to the police. And will not go.”²⁶

17. A local woman explained the gang’s tactics to one reporter:

“They come up: ‘Oh, I like the looks of that girl, do you want to come with me?’ Those of us who are locals, we know how to present ourselves: ‘I have a boyfriend, I’m practically a married woman,’ —but the main thing is to be very polite and smile! If you’re good with them, then they’re good . . . But if the young woman is a newcomer, a student, doesn’t know the local customs and starts to be rude in response—that’s it. It’s like you’re signing your own sentence . . . They sat the newcomer woman down in the car and announced to her: ‘This guy likes your looks and you will be in love with him, starting from tonight.’ If the girl protested, they were happy: ‘You don’t want to be in love? Oh, yeah, you’re a prostitute! You want to be with everyone, and right away!’ The girl could do nothing but, in tears, agree to the less traumatic option.”²⁷

18. A teacher told a reporter how gang members prey on young women attending school dances:

“When there’s a school dance, they come to the parking lot. We know that they’ve come to select girls. The police patrols walk past, sign in at the principal’s office and then stand aside. . . . The girls are afraid Yes, we let the Tsapki into the dance. . . . They didn’t take the girls right at the doors, but over by the exit from the school grounds there is a dark area where cars are parked. And neither the police nor we see what is going on there.”²⁸

19. Gang members single out particular young women and stalk them for weeks. Attempting to avoid attack, some young women change their telephone numbers, move apartments, and travel around exclusively by taxi.²⁹

criminalization-russia.html (last visited 9 October 2012) (quoting Boris Nemtsov, co-chairman of the Solidarity opposition movement).

²⁵ First Channel, *Man and Law* (18 November 2010), at the 7:15 minute mark, available at http://www.1tv.ru/sprojects_edition/si=21&d=18.11.2010#, <http://www.youtube.com/watch?v=uNVZBPaiRKc> (last visited 9 October 2012).

²⁶ Yelena Kostyuchenko, “We are to live here. Part II,” *Novaya Gazeta*, No. 137 (6 December 2010).

²⁷ Ulyana Skoibeda, “Gang that terrorized the town of Kushchyovskaya accused of raping 220 women,” *Komsomolskaya Pravda* (15 November 2010) available at <http://www.kp.ru/daily/24590.5/759653/> (last visited 9 October 2012).

²⁸ Yelena Kostyuchenko, “We are to live here. Part II,” *Novaya Gazeta*, No. 137 (6 December 2010).

²⁹ Yelena Kostyuchenko, “We are to live here. Part II,” *Novaya Gazeta*, No. 137 (6 December 2010).

20. The stigma associated with rape silences victims. People in Kushchyovskaya call women who are known to have been raped “otkhody” (waste products).³⁰ “To be raped is an indelible shame. Not for the rapist—for the woman. It isn’t ‘respectable’ to spend time with her. No one will marry her. The life of a woman who admits that she was raped is ruined by her parents, her female peers, male friends, and police officers even without the Tsapki’s participation.”³¹

B. Government officials have failed to take effective measures to prevent torture in Kushchyovskaya, in violation of Article 2 of the Convention, have failed to hold perpetrators accountable for torture, in violation of Article 7 of the Convention, and have been complicit in such torture, in violation of Articles 2, 4, and 12–14 of the Convention.

21. Despite the Russian Federation’s assertion that “[p]roblems of violence against women are the focus of constant attention by the authorities at all levels,”³² and that “[p]rocurators look into all reports of violations of the rights and lawful interests of women and take action to halt any infractions that have been detected,”³³ government officials in Kushchyovskaya have in fact facilitated a culture of impunity for rape and sexual assault.

22. The Tsapki established de facto control over Kushchyovskaya by cultivating connections with people in law enforcement and the judicial system. President Medvedev in December 2010 described a “direct fusion of criminal groups” with local government in Kushchyovskaya.³⁴ The Tsapki pay for the education of local police employees.³⁵ Sergei Tsapok tapped the head of the District Department for Organized Crime to be the godfather to his child.³⁶ The head of the Regional Department for Internal Affairs is so friendly with the Tsapok family that he calls the mother of Sergei and Nikolai Tsapok “mama.”³⁷ The founder of the gang, Nikolai Tsapok, was living with federal judge Irina Pozorova, and after he died she walked at the head of his funeral procession carrying his portrait.³⁸ Sergei Tsapok eventually became a member of parliament. “Since 2005, the Tsapki have been openly bribing the [Regional Department of Internal Affairs]: they purchase furniture, computers, and split-systems for the department, provide hot meals”³⁹ “In essence, these Tsapki set up Kushchyovskaya as an exclusive enclave and ruled it by manipulating corrupt law enforcement officials, on-the-take bureaucrats, and frightened townsfolk.”⁴⁰

³⁰ Yelena Kostyuchenko, “We are to live here. Part II,” *Novaya Gazeta*, No. 137 (6 December 2010).

³¹ Yelena Kostyuchenko, “We are to live here. Part II,” *Novaya Gazeta*, No. 137 (6 December 2010).

³² Russian Federation, Fifth Periodic Report to the Committee against Torture, 28 December 2010, UN Doc. No. CAT/C/RUS/5, ¶ 329.

³³ Russian Federation, Fifth Periodic Report to the Committee against Torture, 28 December 2010, UN Doc. No. CAT/C/RUS/5, ¶ 331.

³⁴ Anna Arutunyan, “A criminal cancer in Krasnodar,” *Moscow Times* (6 December 2010) available at <http://themoscownews.com/russia/20101206/188259583.html> (last visited 9 October 2012).

³⁵ Yelena Kostyuchenko, “We are to live here. Part I,” *Novaya Gazeta*, No. 136 (3 December 2010).

³⁶ Yelena Kostyuchenko, “We are to live here. Part I,” *Novaya Gazeta*, No. 136 (3 December 2010).

³⁷ Yelena Kostyuchenko, “We are to live here. Part I,” *Novaya Gazeta*, No. 136 (3 December 2010).

³⁸ Yelena Kostyuchenko, “We are to live here. Part III,” *Novaya Gazeta*, No. 138 (8 December 2010) available at <http://www.novayagazeta.ru/society/499.html> (last visited 9 October 2012).

³⁹ Yelena Kostyuchenko, “We are to live here. Part III,” *Novaya Gazeta*, No. 138 (8 December 2010).

⁴⁰ Grigorii Sanin, “Kushchyovskaya Rus’,” *Itogi*, No. 48 (29 November 2010) available at <http://www.itogi.ru/criminal/2010/48/159290.html> (last visited 9 October 2012).

23. In 2010, Kushchyovskaya Department of Internal Affairs Investigator Yekaterina Rogoza posted on YouTube.ru a recording of her video address to Russian Federation President Dmitrii Medvedev, because Kushchyovskaya police commanders began to subject employees to repression. Rogoza points out that in Kushchyovskaya “highly placed commanders are covering up for the Tsapki.”⁴¹ Her video address received national media coverage.⁴²

24. One tactic employed by many gang members is to obtain a “yellow ticket” from the local psychiatric hospital.⁴³ The yellow ticket—referred to by some as their “trump card”⁴⁴—amounts to a “free pass” allowing them to avoid criminal responsibility and instead be referred for medical treatment. With yellow cards in hand, “[t]he Tsapki do not answer for their actions before the law.”⁴⁵

C. The Russian Government has failed to conduct prompt and impartial investigations into allegations of torture in Kushchyovskaya, in violation of Article 12 of the Convention, has failed to promptly and impartially examine complaints of torture, and has failed to ensure that complainants are protected from reprisals, in violation of Article 13 of the Convention.

25. People who speak out against the Tsapki face well-publicized reprisals. In 2005, 170 students from the Northern Kuban Humanities and Technological Institute, located in Kushchyovskaya, signed an official appeal for assistance addressed to Governor Aleksandr Tkachev, prosecutor Sergei Yeremin, and Chief of the Krasnodar Region Main Administration for Internal Affairs Sergei Kucheruk. The students had the support of Dean Galina Ivanovna Kroshka. In the letter, students described the activities of “an organized criminal gang” terrorizing Kushchyovskaya with impunity. “We are afraid to turn to law enforcement authorities because those who have made reports to the police have been beaten half to death, and no measures have been taken against the criminals. All inhabitants of the region, including the police, know about this situation, but they have not taken any measures to fight this mayhem, remaining deaf to our cries for help. We are unable to fight this criminality by ourselves, and therefore in order to maintain our health we simply have to quit school and return home, not having received the education we had hoped for.”⁴⁶

26. The letter did not mention the Tsapki by name or the rapes and sexual assaults committed by gang members. But the students also sent this letter to *Rossiiskaya Gazeta*, the official government newspaper. On 25 October 2005, an article in that newspaper described the students’ appeal. That article also made reference to sexual violence in Kushchyovskaya. Dean Kroshka

⁴¹ Yekaterina Rogoza, Kushchyovskaya Police employee, video address to Russian President Dmitrii Medvedev (2010) available at <http://www.youtube.com/watch?v=hQkIFOQNWOY> (last visited 23 August 2012).

⁴² *Ekho Moskvy*, 24-hour Russian radio station, established in 1990, news webcast (6 December 2010), available at <http://echo.msk.ru/news/731914-echo.html> (last visited 9 October 2012).

⁴³ Yelena Kostyuchenko, “We are to live here. Part I,” *Novaya Gazeta*, No. 136 (3 December 2010).

⁴⁴ Tatyana Pavlovskaya, “Constrained by fear,” *Rossiiskaya Gazeta* (federal edition), No. 3908 (25 October 2005) available at <http://www.rg.ru/2005/10/25/studenty.html> (last visited 9 October 2012).

⁴⁵ Yelena Kostyuchenko, “We are to live here. Part I,” *Novaya Gazeta*, No. 136 (3 December 2010).

⁴⁶ Tatyana Pavlovskaya, “Constrained by fear,” *Rossiiskaya Gazeta* (federal edition), No. 3908 (25 October 2005).

told the reporter about the mass rapes of students and pointed the finger at the Tsapki.⁴⁷ She was “the first and only person to utter the name Tsapok.”⁴⁸

27. After the letter appeared in *Rossiiskaya Gazeta*, police conducted a perfunctory investigation. “‘They gathered us in the auditorium,’ explains a student at the medical college. ‘A police officer came in. He says, ‘Who here has been raped?’ And about twenty of the Tsapki’s girls are sitting in the auditorium. We look at them and say, ‘Nobody.’ Dear investigators, interview students one-on-one. . . . And ask for a list of the students who have failed out and who quit school over the past 20 years. Talk with them.’”⁴⁹

28. Four months after the letter appeared, the Kushchyovskaya District Department for Fighting Organized Crime, headed by Aleksandr Khodych (godfather of Sergei Tsapok), brought trumped-up criminal charges against Dean Kroshka and one of her colleagues, charging them with operating an organized criminal gang trading in forged diplomas.⁵⁰ Kroshka spent a year in solitary confinement; her sentence was eventually converted to probation.⁵¹ Then two former employees of the Regional Department of Internal Affairs lodged a complaint, and she was sent back to prison.⁵² Kroshka had two strokes while in prison and has been transferred to a psychiatric hospital.⁵³ Her colleague is serving a seven-year sentence.⁵⁴ Townsfolk view Kroshka’s case as a cautionary tale against speaking out against the Tsapki.⁵⁵

29. The Tsapki retaliate against individuals who agree to testify against them. One reporter explains, “I would like to say, ‘Go and give evidence!’ —but I can’t. I talked with a guy—one of the few who came and testified against the Tsapki. The following day the Kushchyovskaya [Patrol-Post Service] met up with him at a bar. They asked him to get in their car. In the car they beat him up. At the police station they took his shoes, stripped him, and then locked him in ‘the glass’—a narrow cell with a cement floor. The conversation was about refusing to testify. The next morning they took him to court. The judge slapped him with drunk and disorderly conduct in a public place. Right then and there, the guy called the Investigative Committee and told them that he was not going to give testimony.”⁵⁶

D. The Russian Government has failed to ensure that victims of torture obtain redress, adequate compensation, and rehabilitation, in violation of Article 14 of the Convention.

30. Mechanisms for providing compensation to victims of violence are ineffective; there are no clear criteria for determining the extent of moral injury. The amount of compensation to be paid by the offender is left to the individual discretion of the judge. In cases involving physical violence, this sum is no more than 10,000 rubles (\$330 USD). There is no mechanism for victims to receive payment from government funds.

⁴⁷ Steve Rosenberg, “Rosenberg’s Russia: On the Election Trail,” *BBC News* (1 March 2012) available at <http://www.bbc.co.uk/news/world-europe-17218593> (last visited 9 October 2012).

⁴⁸ Yelena Kostyuchenko, “We are to live here. Part II,” *Novaya Gazeta*, No. 137 (6 December 2010).

⁴⁹ Yelena Kostyuchenko, “We are to live here. Part II,” *Novaya Gazeta*, No. 137 (6 December 2010).

⁵⁰ Yelena Kostyuchenko, “We are to live here. Part II,” *Novaya Gazeta*, No. 137 (6 December 2010).

⁵¹ Yelena Kostyuchenko, “We are to live here. Part II,” *Novaya Gazeta*, No. 137 (6 December 2010).

⁵² Yelena Kostyuchenko, “We are to live here. Part II,” *Novaya Gazeta*, No. 137 (6 December 2010).

⁵³ Yelena Kostyuchenko, “We are to live here. Part II,” *Novaya Gazeta*, No. 137 (6 December 2010).

⁵⁴ Yelena Kostyuchenko, “We are to live here. Part II,” *Novaya Gazeta*, No. 137 (6 December 2010).

⁵⁵ Yelena Kostyuchenko, “We are to live here. Part III,” *Novaya Gazeta*, No. 138 (8 December 2010).

⁵⁶ Yelena Kostyuchenko, “We are to live here. Part III,” *Novaya Gazeta*, No. 138 (8 December 2010).

31. Mechanisms to protect victims of sexual violence are ineffective. Federal law No. 119 “On the protection of victims, women, and other participants in the criminal justice system”⁵⁷ is practically inoperative in cases of sexual violence. Few law enforcement employees are aware of the law or of how to invoke government protective measures. As a result, women are deterred from turning to law enforcement for assistance. Safety concerns render victims unable to report crimes or to give testimony freely. Victims have no access to justice. Moreover, entities that deal with reports of sexual violence provide little or no training for individuals who work with victims in order to meet the unique needs of victims and to further investigate the reports.

IV. RECOMMENDATIONS

32. The Advocates recommends that the Russian Federation:
- (a) conduct a full-scale investigation into rape and sexual assault crimes in Kushchyovskaya over the past 20 years, including confidential interviews with all possible victims, taking all possible measures to ensure the safety of interviewees, and ensure that the perpetrators, any co-conspirators, and government actors found to have acquiesced to or facilitated those crimes, are identified and held accountable;
 - (b) establish detailed nationwide data collection and tracking practices on rape and sexual assault, including reported incidents, investigations, charges brought, charges dropped, and convictions obtained;
 - (c) take all necessary measures to end impunity for rape and sexual assault in Kushchyovskaya and other localities facing similar human rights violations;
 - (d) ensure that victims of violence against women receive adequate reparations;
 - (e) establish a comprehensive program to protect women from sexual violence, including public education, heightened criminal penalties, aggressive prosecutions, and training for law enforcement, investigators, prosecutors, judges, and education officials;
 - (f) expand the number of crisis centers throughout Russia, particularly in towns and rural areas, for victims of sexual and domestic violence.

V. SUGGESTED QUESTIONS FOR THE RUSSIAN DELEGATION

- What measures have been taken to effectively investigate, prosecute, and punish perpetrators of rape in Kushchyovskaya and their co-conspirators, particularly after reports in the mass media that at least 220 women have been raped in that town?
- What measures are being taken to hold accountable those government officials who facilitated or acquiesced to a culture of impunity for rape in Kushchyovskaya?
- Will investigators identify and conduct private, confidential interviews with all women who dropped out or failed out of educational institutions in Kushchyovskaya to determine whether gender-based violence played a role in their departures?
- What data are available on the number of rapes and sexual assaults reported, number of reports investigated, number of charges brought, number of charges dropped, and number

⁵⁷ FZ No. 119, 20 August 2004.

of convictions obtained, both for Kushchyovskaya and nationwide? How are those data collected, verified, analyzed, and disseminated?

- What measures has the government taken to encourage victims of rape and sexual assault to report crimes of gender-based violence to the police and to ensure their safety after reporting, and how effective have those measures been?
- What protections are available to victims and witnesses who report crimes, and how does the government educate the public about those protections? What measures will the government take to ensure that law enforcement employees are aware of the law on the protection of victims and women in the criminal justice system and know how to invoke government protective measures?
- Do employees of educational institutions have an obligation to report to the police when they suspect that one of their students has been raped or sexually assaulted? If so, are employees informed of this obligation? How are they held accountable for any obligation to report?
- What mechanisms are available to address local government corruption and involvement with organized criminal activities, and how is the public educated about those mechanisms? How effective have those mechanisms been in addressing corruption and organized crime?
- What legal safeguards are in place to prevent individuals from escaping criminal liability by obtaining, in advance of committing a crime, a medical “yellow card” indicating that the individual is not responsible for his or her criminal actions?
- How will the government ensure that victims of rape and other forms of sexual assault obtain redress and receive adequate compensation and rehabilitation?
- What measures will the government take to address the stigma that many victims of rape and sexual assault face?