

Working Group on Arbitrary Detention
Submission for the Study on arbitrary detention relating to drug policies.
Country in focus: the Russian Federation

This submission was drafted by the Russian Civil Society Mechanism for Monitoring of Drug Policy Reforms with technical assistance of the Andrey Rylkov Foundation for Social Justice and Health and the Canadian HIV/AIDS Legal Network.¹

Submission contains information relevant to the issues indicated in the questionnaire provided by WGAD.

This report can be posted on the UN websites for public information purposes.

1. Please provide information concerning the number of people held in pre-trial detention as well as the number of those who are imprisoned pursuant to a conviction for drug-related offences. Please indicate what percentage of the total pre-trial detention population are being held for drug-related offences. Please identify the percentage of the total prison population who have been convicted and imprisoned for drug-related offences. For those convicted of drug-related offences, what percentage of this group have been imprisoned for acquisition, use or possession of drugs for personal use? How many people convicted of drug use belong to disadvantaged groups (e.g. women, pregnant women, children and youth, indigenous people, sex workers, lesbian, gay, bisexual, transgender (LGBT) persons, homeless people, people with HIV/AIDS, persons with disabilities, ethnic minorities, migrant communities?)

The number of people held in pre-trial detention is unknown. The Government does not keep such statistics, neither for public access nor for any inter-agency usage. The number of those who are imprisoned pursuant to a conviction for drug crimes is available on the website of the Federal Penitentiary Service of the Russian Federation. While the overall number of inmates in Russian prisons has by 43% since 2007, the number of people convicted for drug crimes increased 32% during the same period of time and continues growing each year.

Table 1: the number of inmates in Russian prisons 2007-2019 according to the official penitentiary statistics by May 2019.²

	2007	2019
Total number of inmates	716,427	420,758
The number of inmates convicted for drug crimes	81,190	120,100 (13,423 (11%) of them are women)

Survey data shows that up to 65% of people who use drugs have been imprisoned.³

Table 2: the number of convictions by elements of a crime according to the official courts statistics in 2019.⁴

¹ Information about these organization is in Annex I

² Characteristics of Prisoners in Adult Penitentiary Institutions. Federal Penitentiary Service, 2019. <http://fsin.su/structure/inspector/iao/statistika/Xar-ka%20lic%20sodergahixsya%20v%20IK/>

³ A. Sarang, T. Rhodes, L. Platt, V. Kirzhanova, O. Shelkownikova, V. Volnov, D. Blagovo, A. Rylkov (2006) "Drug injecting and syringe use in the HIV risk environment of Russian penitentiary institutions," in *Addiction* 2006, 101:1787–1796. <https://pubmed.ncbi.nlm.nih.gov/17156178/>

Element of a crime	Criminal Code Article	Quantity	% of all elements	% of drug crimes
All elements	-	598,214	100	-
Drug crimes	228-234	78,284	13	100
Drug possession for personal use in amounts exceeding threshold quantity	228	59,018	9.8	74
Drug dealing	228.1 part 1	2,749	0.4	4.6
Drug dealing in special places	228.1 part 2	86	0.01	0.14
Drug dealing in amounts exceeding threshold quantity	228.1 part 3	3,113	0.52	5.2

Table 3: number of people convicted of administrative offences related to drugs according to the official courts statistics.⁵

Drug possession (article 6.8 of code on administrative offences)	13,712
Drug use (article 6.9 code on administrative offences)	84,218
Evasion of compulsory treatment (article 6.9.1 of code on administrative offences)	22,769

In 2019, courts convicted 1,460 youths (16-18 years old) of drug crimes.⁶

There is no precise data concerning the proportion of migrants/non-citizens among people convicted of drug crimes, nor of their ethnic profile. Such data is not presented as part of the penitentiary statistics that are available from the Federal Penitentiary Service.

Table 4: migrants related statistics.⁷

Total number of convicted people in 2016, articles 228-234	CIS citizens (excluding Russia)	Other than CIS citizens	Stateless persons
103,667	2,401	956	272

Based on the analysis of judicial statistics, some sociologists consider racial discrimination to be an insignificant factor in the Russian justice system.⁸ The 2014 study of 2009 judicial statistics

⁴ Statistics of the Judicial Department of the Supreme Court for 2019, Форма №10-А. Online:

<http://www.cdep.ru/index.php?id=79&item=5259>

⁵ Statistics of the Judicial Department of the Supreme Court for 2019, Форма № 1-АИ. Online

<http://www.cdep.ru/index.php?id=79&item=5258>

⁶ Statistics of the Judicial Department of the Supreme Court for 2019, Форма № 6-МВ-НОН. Online:

<http://www.cdep.ru/index.php?id=79&item=5259>

⁷ Penitentiary Census held in 2009. Edited by Professor V.Seliverstov. Jurisprudence, Moscow, 2011.

demonstrate that only 4.1% of people who were tried in Russian criminal courts were foreign nationals or people without citizenship.⁹ There is no racial profiling data in Russian judicial statistics.

Table 5: ratios of charges for criminal possession of drugs for personal use among citizens of Russia compared with people without Russian citizenship.¹⁰

Crime Code article	Citizens of Russia	Internal migrants (citizens of Russia)	Permanent residents	Temporary residents	People with no citizenship	% among the total number of prosecuted people
228	13	13.9	11.8	7.7	15.5	12.8

The Ministry of Internal Affairs has been in charge of drug enforcement since 2016. The Ministry does not publish information about high-profile drug dealers. The Federal Drug Control Service was in charge before 2016. Information on the website of the Federal Drug Control Service suggested that racial factors played an important role in drug enforcement of high-profile drug dealers. As of August 2015, all of the 112 people labelled as “convicted extremely dangerous drug dealer” were of non-Slavic origins.¹¹ Of these, only seven were Russian citizens with Azerbaijani, Kazakhstani, Kyrgyzstani, or Chechen origins; three were people without citizenship with Asian or Caucasian surnames (Gasanov, Guseinov, Sarkisov); the rest were citizens of Tajikistan (78, including one woman), Uzbekistan (9), Azerbaijan (11), Kazakhstan (three, including one woman), Kyrgyzstan (10, including one woman), and one citizen of Armenia.

There is no data about the number of drug crimes committed by other disadvantaged groups (e.g. pregnant women, sex workers, lesbian, gay, bisexual, transgender [LGBT] persons, homeless people, people with HIV/AIDS, persons with disabilities, ethnic minorities, migrant communities).

2. Does your State consider the acquisition, use or possession of drugs for personal use a minor offence within the meaning of this term as set out in the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (article 3, para. 4 (c)? If so, what percentage of people arrested for the acquisition, use or possession for personal use of drugs are diverted out of the criminal justice system, and what alternative measures, if any, are such people subjected to?

Drug use and drug possession in “less than significant” are administrative offences, punishable by up to 15 days of imprisonment (in administrative detention centre).

Table 6: numbers of drug use and drug possession offences in 2019 according to the official courts statistics.¹²

	Case considered	People penalised	People arrested and
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⁸ Статистический анализ приговоров суда. Социолог Вадим Волков о влиянии расы преступника на приговор, «опасном классе» и гуманизме со стороны судей. April 29, 2016. Online at <https://postnauka.ru/video/63092>

⁹ Dmitrieva A., et al., Russian Criminal Justice in 2009: an appraisal. The Institute for the Rule of Law. St.Petersburg, December 2014. Online at http://enforce.spb.ru/images/Issledovanya/2014.06_Report_Database_2nd_ed.pdf

¹⁰ Ibid, page 75.

¹¹ <http://mybiblioteka.su/tom2/5-41899.html>. Дата добавления: 2015-08-17

¹² "Report on the work of the courts of general jurisdiction on litigation with administrative offences" (table №1-AP of “Summary statistics on the activities of federal courts of general jurisdiction and justices of the peace for 2019” <http://www.cdep.ru/index.php?id=79&item=5258>

			deprived of freedom
Drug possession	15,605	13,712 (100%)	4,034 (29.4%)
Drug use	95,639	84,218 (100%)	33,419 (39.6%)

Drug possession offences are divided into four categories depending on the amount in possession, as presented in the table below.

Table 7: punishments for drug crimes by categories.

SUBSTANCE	Insignificant quantity	Significant quantity	Large quantity	Extra-large quantity
Heroin	≤ 0.5g	more than 0.5g but ≤ 2.5g	more than 2.5g but ≤ 1000g	> 1000g
Amphetamine	≤ 0.2g	more than 0.2g but ≤ 1g	more than 1g but ≤ 100g	> 100g
Cannabis (<i>as defined by 1961 Single Convention on narcotic drugs</i>)	≤ 6g	more than 6g but ≤ 100g	more than 100g but ≤ 100,000 g	> 100,000g
Cannabis raisin	≤ 2 g	More than 2 g but ≤ 25 g	More than 25 g but ≤ 10,000 g	> 10,000 g
Cocaine	≤ 0.5 g	More than 0.5 g but ≤ 5 g	More than 5 g but ≤ 1,500 g	> 1,500 g
LIABILITY for possession with no intent to sell	Administrative	Criminal	Criminal	Criminal
PENALTY for possession with no intent to sell	Fine (up to 5,000 rubles) or up to 15 days arrest	Non-custodial penalties (fine up to 40,000 rubles, or coercive labour for up to 80 hours, or corrective labour up to two years, or limitation of freedom for up to 3 years) or up to 3 years' imprisonment	Imprisonment from 3 to 10 years with or without fine up to 500,000 rubles	Imprisonment from 10 to 15 years with or without fine up to 500,000 rubles.

Only about 4% of all people convicted for the acquisition or possession for personal use were subjected to medical treatment.¹³ The rate of acquittals in drug-related cases is lower than 0.1%.¹⁴

3. Has your State decriminalized the acquisition, use or possession of illegal drugs for personal use? If so, to what drugs does this apply and what are the amounts considered to be for personal use? What is the legislative or judicial basis for such decriminalization? If decriminalization has not taken place, what penalties apply to the acquisition, use or possession of illegal drugs for personal use?

As described above, any acquisition, use and possession of illegal drugs for personal use is an offence according to Russian laws. Depending on the amounts in possession, the offence is categorized as either an administrative offence or a crime. Russian drug laws prohibit a broad range of psychoactive substances that can be divided into five categories:

Category one: *narcotic drugs and psychotropic substances* included in the “List of narcotic drugs, psychotropic substances and precursors,” (similar to the schedules of the UN Drug Conventions).

Category two: *analogs of narcotic drugs and psychotropic substances*, defined as synthetic and natural substances, not included into the List of controlled substances, which are similar in chemical structure and properties to the narcotic drugs or psychotropic substances that they mimic.¹⁵

Category three: *derivatives of narcotic drugs and psychotropic substances* — a type of substances vaguely defined in the law as substances that chemically differ from a known listed narcotic drug by way of several atoms.¹⁶ Only a chemist can define whether or not a certain substance is derivative. Lay people cannot make such conclusions, thus cannot anticipate legal consequences of handling substances. According to Russia’s Ombudsperson, a situation with derivatives provides for a broad interpretation of what is prohibited based on an expert’s opinion and prosecute and punish by analogy.¹⁷ **Often people diagnosed with chronic depression, who order such medicine as Bupropion from Poland of other countries, are prosecuted for trafficking derivatives because police chemists categorize Bupropion as a derivative of psychostimulant “Efedron.”**^{18,19}

Category four: *poisonous and virulent substances* — a list of substances that are sometimes misused as narcotic drugs.²⁰ For example, the pain medication tramadol is included in this list.

Category five: *new potentially dangerous psychoactive or stupefying substances* — any substance that the Ministry of the Interior may temporarily designate as such for up to two years,

¹³ <https://www.kommersant.ru/doc/3999368>

¹⁴ Ibid., para. 37.

¹⁵ 1998 Federal Law, Article 1.

¹⁶ Governmental Decree No 1178 of November 19, 2012 (Постановление Правительства РФ от 19.11.2012 г. № 1178 "О внесении изменения в перечень наркотических средств, психотропных веществ и их прекурсоров, подлежащих контролю в Российской Федерации")

¹⁷ Report of the Commissioner for Human Rights in the Russian Federation for 2016 http://ombudsmannrf.org/www/upload/files/docs/appeals/doc_2016_medium.pdf

¹⁸ Alexander Chernykh, Kommersant newspaper, April 2019, article "Customs drives into depression" <https://www.kommersant.ru/doc/3955483>

¹⁹ Alexander Chernykh, Kommersant newspaper, February 2020, article "Bupropion gave criminal complications" <https://www.kommersant.ru/doc/4259307>

²⁰ Governmental Decree No 964 of December 29, 2007. (Постановление Правительства РФ от 29 декабря 2007 г. N 964 "Об утверждении списков сильнодействующих и ядовитых веществ для целей статьи 234 и других статей Уголовного кодекса Российской Федерации, а также крупного размера сильнодействующих веществ для целей статьи 234 Уголовного кодекса Российской Федерации")

after which time the substance is to be either removed from the list or added to a schedule forming part of the “List of narcotic drugs, psychotropic substances and precursors,” thereby becoming subject to some degree of control under the 1988 *Federal Law “On Narcotic Drugs and Psychotropic Substances.”* During the time that a substance is designated on the “new substances” list, only manufacturing, buying, selling, and possession of that “new substance” for the purpose the trafficking are crimes. Simple possession of a “new substance” is neither a crime nor an administrative offence; however the use of a “new substance” is an administrative offence, punishable with up to 15 days of administrative arrest or a fine.²¹

4. What types of circumstances have led to unlawful and arbitrary arrest of people in your State for drug-related offences? What structures/institutions are in place so that people who are arrested for a drug-related offence can make a complaint about unlawful and arbitrary arrest and detention, or the threat thereof?²²

In her 2017 annual report, the Federal Ombudsperson included for the first time a chapter about human rights violations against people who use drugs. Some police departments inform officers about judgments of the European Court of Human Rights concerning drug policy, such as those related to police entrapment. However, these practices are not widespread. Police training focuses on how to enforce a “zero tolerance” approach with no regard to human rights standards.

The strategy of state anti-drug policy declares zero tolerance for drugs and people who use drugs. The new version of the document (until 2030) also states that drug use is contrary to “traditional moral and spiritual values of the peoples of Russia.” This cultivates hatred towards people who use drugs; police officers seek to show patriotic spirit and punish people for anti-patriotic behaviour, not just hold them accountable for breaking the law.

A typical arrest “procedure” may involve police officers encountering someone on the street whom they believe to be a drug user because of where the person is located or person’s appearance or needle marks on the person’s arms²³, or because the person’s name appears in medical files related to drug dependency.²⁴ In other words, drug users are discriminatorily singled out by law enforcement simply because they are drug users. Such behaviour is against the law but it is a regular practice.

After the subject is brought into custody, drugs are planted on their person to make the case.²⁵ According to the official procedure, personal searches should be carried out in the presence of witnesses, which should protect subjects from planting. But in practice, police can apprehend a person, plant drugs, and then call the witness or bring “their” witness (usually they are other drug users who have been illegally forced to cooperate). A study of criminal statistics shows that in

²¹ *Federal Law on Amendments to Certain Legislative Acts of the Russian Federation*, Federal Law No. 7-FZ of 3 February 2015 ["Федеральный закон от 03.02.2015 N 7-ФЗ "О внесении изменений в отдельные законодательные акты Российской Федерации"].

²² Examples of arbitrary arrest and detention could include threatening arrest and detention if the person who uses drugs or is a minor dealer does not give money to law enforcement, or in the case of women give money and/or sex; accessing a person’s health records as a means of determining if a person uses drugs; targeting arrests areas at or near drug treatment centres for people who use drugs; disproportionately targeting minorities, women or poor people for possible drug-related offences; excessive use of force during drug enforcement operations.

²³ *Atmospheric Pressure: Russian Drug Policy as a Driver for Violations of the UN Convention Against Torture*. Andrey Rylkov Foundation, Canadian HIV/AIDS Legal Network. (2011) pp. 8 – 16.
<http://www.aidslaw.ca/site/atmospheric-pressure-russian-drug-policy-as-a-driver-for-violations-of-the-un-convention-against-torture/?lang=en>

²⁴ Levinson L., Torban M., *Drug Registry: As per the law or as per an instruction? Regulation of registration of people who use drugs in the Russian Federation*. Human Rights Institute. 2009. Pp 20-21 (Левинсон Л., Торбан М. *Наркоучет: по закону или по инструкции? Регулирование регистрации потребителей наркотиков в Российской Федерации*. Институт прав человека. 2009. С 20-21).

²⁵ Anoshkin, supra note 22.

the vast majority of cases people are arrested for precisely the amount of substance necessary to establish a criminal case, which indicates that police officers plant substances or fill them to the right amount.²⁶

The Russian Federation did not undertake any steps to ensure that people who use drugs (PWUD) are not subjected to discriminatory searches, arrests, and detentions by law enforcement. Russian Federation did not adopt a single legal document to address this issue.

Complaints about unlawful and arbitrary arrest and detention could be brought to the higher official, prosecutor, or court. But because of high stigmatization and fear of being punished for attempts to defend their own rights, people who use drugs, especially drug-dependant people, usually do not complain.

Courts very often disregard police provocation (police entrapment), which occurs with great frequency, as is evident from numerous judgments of the European Court of Human Rights regarding Russia.²⁷

Very often the purity of the narcotic mixtures (street drugs) is not established. Drug possession without intent to sell, in amounts exceeding 2.5 grams of heroin, for instance, is punishable by up to 10 years in prison (Article 228(2) of the *Criminal Code of the Russian Federation*). The research into court files demonstrates that the majority of criminal cases of drug possession and drug supply concern tiny amounts of drugs, barely exceeding the threshold amount established to distinguish crimes from administrative offences.²⁸ Without establishing the purity of the seized amount, police are able to manipulate the amount of the seized mixture with no chance for the defence to control the process.

The purity of street drugs, especially heroin, is very weak in many countries and Russia is no exception. Available data shows that an average purity of street heroin in Russia was 0.07 (7%).²⁹ Because of their high tolerance to opioids, people living with drug dependence have to purchase larger amounts of street drugs, thus exposing them to tougher penalties — up to 10 years in prison or even more. When purity is not taken into account, the criminal justice system subjects people with drug dependence to a stricter standard and in fact punishes them for their dependence, clearly violating fundamental notions of fairness and potentially amounting to an arbitrary, disproportionate, and discriminatory deprivation of liberty. In addition, when purity is not established, accused people are deprived of an opportunity to rely on criminal laws that provide for acquittal for minor offences — e.g. in cases where the purity is less than 1%. Thus, when the purity of the substance is not established, the principle that the criminal law must not be extensively construed to an accused's detriment is violated.

Forensic reports play a key role in establishing what type of substance was allegedly in the accused's possession. Based on the fundamental role of adversarial procedure, the defence should have the right to present independent forensic and other expert reports on drug cases. However, Russian courts often deny them this right and refuse to accept the results of independent forensic and other scientific examinations.

²⁶ A. Knorre “Drug-related crimes in Russia: Analysis of judicial and criminal statistics” Institute of Law Enforcement Problems at the European University in St. Petersburg
https://enforce.spb.ru/images/Knorre_Drug_crimes_in_Russia.pdf

²⁷ *Vanyan v. Russia*, no. 53203/99, ECHR 2005; *Khudobin v. the Russia*, no. 59696/00, ECHR 2006; *Bannikova v Russian Federation*, no. 18757/06, ECHR 2011; *Veselov and others v Russia*, nos. 23200/10, 24009/07 and 556/10, ECHR 2012.

²⁸ A. Knorre “Drug-related crimes in Russia: Analysis of judicial and criminal statistics” Institute of Law Enforcement Problems at the European University in St. Petersburg
https://enforce.spb.ru/images/Knorre_Drug_crimes_in_Russia.pdf

²⁹ Price and Purity. UNODC World Drug Report, 2019. Online at
https://wdr.unodc.org/wdr2019/prelaunch/8.1.Prices_and_purities_of_drugs.pdf

5. Does your State differentiate in its criminal procedures for persons alleged to have committed drug-related offences compared to those who have been arrested for other types of criminal offences? For example, are persons arrested for drug-related offences held in custody longer than persons arrested for other offences before being charged or before being brought before a judge to determine the legality of their arrest? Are persons charged with drug-related offences automatically held in pre-trial detention until trial? Is legal aid available for persons charged with drug-related offences in similar circumstances to which it would be available for other criminal offences? Does your State allow persons convicted of drug-related offences to be considered for suspended sentence, sentence reduction, parole, release on compassionate grounds, pardon or amnesty that are available to those who are convicted of other crimes? Are legal presumptions used so that persons found with amounts of drugs above specified thresholds, or in possession of keys to a building or vehicle where drugs are found, are presumed to have committed an offence?

There is no differentiation in Russia's criminal procedures for people alleged to have committed drug-related offences compared to those who have been arrested for other types of criminal offences. There is no evidence to suggest that people arrested for drug-related offences are held in custody longer than those arrested for other offences before being charged or before being brought before a judge to determine the legality of their arrest. People charged with drug trafficking offences are often but not automatically held in pre-trial detention until trial. Free legal aid is available for all people charged with drug-related offences, similar to what would be available for other criminal offences. Russian laws allow people convicted of drug-related offences to be considered for suspended sentences, sentence reduction, parole, and release on compassionate grounds, which are also available to those who are convicted of other crimes. However, Article 79(2g) equates serious and especially serious drug crimes to sexual crimes against minors for the purpose of parole, mandating that people convicted of serious and extra serious drug crimes are not eligible for parole before completing three quarters of their sentence.

6. Have there been cases of torture or other cruel, inhuman or degrading treatment or punishment for persons arrested and detained on drug-related offences, with the objective, for example, to elicit a confession or to learn information about other alleged criminal actors or networks? Have there been cases where opioid substitution therapy has been withheld from drug dependent detainees in order to elicit a confession, or obtain information concerning other alleged criminal or networks? What procedures exist to prevent torture and other forms of ill treatment of people detained for drug-related offences, and to bring to justice those responsible when it does occur? What monitoring measures are in place to ensure that torture or other cruel, inhuman or degrading treatment or punishment does not take place? What avenues do detainees have for making a formal complaint to an independent authority if such practices occur?

Despite recommendations given by the UN Committee against Torture to Russia in 2018 as well as the UN Human Rights Committee in 2015, Russian authorities did not undertake any steps to protect people with drug dependence against the pain and suffering associated with withdrawal syndrome when in police custody. The Government continues to enforce the legal ban on WHO-recommended opioid substitution therapy (OST), including for people in custody. Police do not have a protocol for how to deal with people in drug withdrawal or with obvious signs of drug intoxication. In theory, people in withdrawal can inform a duty officer about their withdrawal symptoms and ask for help, but they do not because neither police officers nor paramedics can effectively alleviate withdrawal syndrome in police custody. Because of this, people in withdrawal often sign confessions in exchange for release on bail. Courts later accept such confessions despite lawyers' objections.

Case of Ms Y.Y., a woman living with drug dependence from Yekaterinburg

On December 1, 2016 Y.Y. was arrested for possession of drugs for personal use. During the arrest, she was under the influence of carfentanil (synthetic opioid), which she had used less than an hour before the arrest. Police held Y.Y. in custody for about 24 hours. Soon after arrest, Y.Y. started suffering from acute withdrawal syndrome; she was sweating heavily, shivering, and experiencing muscular pain, uncontrolled muscular spasms/twitching, nausea, stomach cramps and diarrhoea. Despite this, no medical assistance was offered to Y.Y. What could have been an effective and WHO-recommended treatment for drug dependence that would also alleviate symptoms of opioid withdrawal syndrome — OST — is not available in police custody in Russia because this treatment is subject to a federal legal ban in Russia, and other types of pharmacological interventions would inadequately alleviate withdrawal symptoms. Y.Y. also asked police to give her the HIV medication (antiretroviral therapy — ART) that her relatives had brought to the police station, but the police refused this request. ART for people living with HIV, as well as OST medications such as methadone and buprenorphine for people with opioid dependence, are included in the WHO Model List of Essential Medicines. At some point during the day following her arrest, December 2, 2016, by which time Y.Y. was hours into experiencing opioid withdrawal syndrome, police detective N. G. Shutov offered her the chance to confess to helping her friend purchase drugs two months earlier (an act that could be categorized as facilitation to purchase drugs or as drug trafficking — a far more serious crime). According to Y.Y., in exchange for the confession, Detective Shutov promised her access to her ART, release from police custody, and not to charge her with trafficking. She confessed. According to Y.Y., Detective Shutov dictated to her the text of a confession statement, which she handwrote into the police form. Y.Y. was released from police custody after less than one hour after she made the confession, completed the interview and the cross examination. During the trial, the court accepted the confession as evidence despite the defence's arguments against this. On October 12, 2017, the Oktyabrsky district court of Yekaterinburg sentenced Y.Y. to 10 years in prison. Appeals were rejected.

Case of Denis Shirokov (D.S.), a man living with drug dependence in Moscow

On February 16, 2018, D.S. was stopped by two police officers who claimed he had violated his parole conditions. Subsequently, at the trial, the officers admitted that they had stopped D.S. solely because they knew he had a drug addiction. The officers took him to the staircase of the apartment building, where they waited for several hours for the witnesses to their search to arrive. After that, search was carried out, during which 1.31 g of cocaine was found. D.S. denied knowledge or ownership of the cocaine. After the search, he was taken for a medical examination, which determined the state of intoxication from morphine and other surfactants. The report of detention was not drawn up and he was not informed of his rights. After 18 hours of imprisonment, when he started having severe abstinence syndrome, officers started the interrogation. He asked to be taken to the hospital but this request was denied. He did not receive any medical treatment until February 19. While in this condition, he admitted to possession of drugs and was released under a restriction of travel order. During the trial, he recanted his earlier confession, but the court ignored this and sentenced him to a prison term of one year and eight months.

Case of J.R., a woman living with drug dependence, HIV, and HCV in Kaliningrad

On June 13, 2019, J.R. helped a friend purchase two doses of heroin to be shared between them. She managed to use her part of the drug before police arrested her and brought her to a police station for an interview. Police kept J.R. in the police station for four days with no access to medical help, despite her obvious symptoms of withdrawal syndrome, to force her to testify against herself and a drug dealer. In order to create legal grounds for keeping her in custody, police charged J.R. with the administrative offence of pronouncing an obscenity in public. When police finally arrested the drug dealer, they released J.R. on bail.

Case of Larisa Solovyova (L.S.), a woman living with drug dependence and HIV in Kaliningrad

On January 16, 2016, at 11:30 a.m., L.S. was arrested by police for non-medical use of drugs. Police acted on a tip from their informant, who had used opioids with L.S. about 21 hours before her arrest, on the afternoon of January 15, 2016. Police knew about L.S.'s drug dependency. At the time of her arrest, and later in the police station, police officers saw that she was suffering from acute withdrawal syndrome; she was sweating heavily, shivering, and experiencing nausea and diarrhea. The investigator told her that they could charge her either with the crime of attempting to sell drugs or a less serious crime of drug possession. According to an investigator, this would depend on whether or not she confessed. At that point, she just wanted to leave the police station because she was about to start vomiting and soiling her pants. She also knew that no medical help would be offered to her in a police station. Under such duress, L.S. signed a confession statement, which had been pre-drafted by an investigator. Without reading the statement carefully, she thought that she had confessed to aiding drug purchase for personal use. The investigator later categorized her statement as aiding drug trafficking.³⁰

7. Does your State operate compulsory drug treatment centres? If so, what is the legislative basis for such deprivation of liberty? What procedures exist to ensure procedural guarantees are respected prior to confinement in such centres, including whether the detainee has the right to be represented by legal counsel and the right to appeal the decision on compulsory treatment. Is there a medical evaluation of the person's drug dependency prior to confinement? Is treatment in such centres individualized (as opposed to en masse treatment), evidence-based and in conformity with generally accepted medical practices for drug treatment as articulated by World Health Organization (WHO). Is a person detained in such a facility for a specific amount of time, or indefinitely until treatment has been determined to be successful? Can a person, or by way of his or her legal representative, or a family member, file a petition either with an administrative or criminal court for a hearing on his or her release while detained?

Russia does not operate compulsory drug treatment centres. However, in 2013–2014, the Code of Administrative Offences was amended to establish compulsory drug treatment purportedly to motivate PUD to undergo medical treatment and rehabilitation.³¹ These amendments empower law enforcement agencies and courts to coerce people who use drugs to undergo substandard drug dependence treatment, and introduce administrative punishment of up to 30 days of imprisonment for not staying abstinent, which is categorized as violation of the court order. (See below for details about the substandard drug dependence treatment in Russia.)

8. Do private drug treatment centres exist in your State? What steps does your State take to ensure that treatment in such facilities is voluntary and not a result of coercion? How is the informed consent for treatment obtained? How regularly do independent inspections of private drug treatment facilities take place to ensure that practices that constitute torture or other cruel, inhuman or degrading treatment or punishment do not occur? Do inspections of such facilities include a determination whether treatment is individualized (as opposed to treatment en masse), evidence-based and in conformity with generally accepted medical practices for drug treatment as elaborated by WHO? What guarantees exist that a person who has either voluntarily sought treatment or who has been coercively confined in a private drug treatment centre can freely leave if he or she so wishes? Can such persons make a complaint to inspectors who monitor such facilities or a competent authority if a person who is seeking to leave a private drug treatment centre is prevented from doing so? Are there any criminal or other penalties for failure to complete the treatment?

³⁰ In 2019 Larisa Solovyova was granted asylum in Germany. Information is obtained from the case file of Larisa Solovyova, as well as interview with Larisa Solovyova recorded by Mikhail Golichenko on June 15, 2018

³¹ Russian Federation. Note regarding Bill No. 254761-6.

<http://asozd2.duma.gov.ru/main.nsf/%28SpravkaNew%29?OpenAgent&RN=254761-6&02>. Accessed 30 May 2020.

The Russian drug treatment system has a very low rate of effectiveness: more than 90% of drug treatment patients relapse to illegal drug use within one year of treatment.³²

The ineffectiveness of the government drug treatment system and the high demand for treatment in Russia have resulted in a large number of doubtful private practices, including flogging,³³ beatings, punishment by starvation and long-term handcuffing to the bed frame,³⁴ “coding” (i.e., hypnotherapy aimed at persuading the patient that drug use leads to death), brain surgery,³⁵ electric shock causing seizures, burying the patient in the ground for 15 minutes, putting electrodes into patients’ ears to cause electric shock, implantation of guinea pig brains, and other unproven methods.³⁶

Russian authorities publicly support large networks of private drug rehabilitation centres such as the “National Anti-drug Union.”³⁷ Many of these centres practice torture under the guise of drug dependence treatment. Below are extracts from allegation letters submitted to police by victims of torture from 2014 to 2018, as well as from journalists’ investigative reports. In some cases, police responded but the majority of the allegation letters remain unanswered.

Evidence from Mr. B.V.U., a man from Balashikha city, Moscow Oblast

*Mr. B.V.U. was forcibly held in a private rehabilitation centre “Step Forward,” Moscow Oblast, township Zabolotye, from March 7, 2017 to April 15, 2017. When he tried to escape, he was severely beaten. He was repeatedly threatened with retaliation if he escaped and went to the police.*³⁸

Evidence from Ms. E.E.V., a woman from Uspenskoye township, Krasnodarsky kray

*Ermolayeva’s daughter was forcibly confined in a rehabilitation centre, Open Door, from January 11, 2017, to March 21, 2017. No science-based drug dependence treatment or other medical assistance was offered at the centre, only prayer. Patients of the rehabilitation centre suffered from malnutrition. When her daughter complained to a staff member about severe stomach pain, he offered her a prayer. Other patients of the centre suffered similar treatment.*³⁹ *Ermolyaeva E.V. sent statements of complaint to the Investigative Committee, Prosecutor’s Service and Federal Security Service between April and June 2017. By the end of 2017, the centre closed voluntarily.*

On March 15, 2016, a journalist, Anastasia Kuzina, published a detailed report based on video interviews with six victims of torture in drug rehabilitation centres in different provinces of the

³² V. Ivanov, Interview for RIA Novosti, September 16, 2009, www.ria.ru; T. V. Klimenko (2009) “On the Russian Drug Control Strategy,” 2009. Available in Russian at:

<http://stratgap.ru/includes/periodics/comments/2009/1124/3841/detail.shtml>.

³³ S. V. Speransky, M.G. Huchrova, NK Zhukov (2005) “Method of pain impact in the treatment of addictions and other manifestations of avital activity,” (С.В. Сперанский, М.Г. Чухрова, Н.К. Жуков (2005) Метод болевого воздействия при лечении аддиктивного поведения и других проявлений авитальной активности). Available in Russian at:

<http://rozgamed.narod.ru/caust3.html>.

³⁴ A. Sarang (2010) “*Spas-on-Blood, or the chronicles of anti-drug terror in Ekaterinburg*,” 2010 (Саранг А. (2010) Спас-на-крови, или хроники антинаркотического террора в Екатеринбурге). Available in Russian at: <http://rylkov-fond.ru/blog/2010/03/15/gbnrus/>.

³⁵ No to Drugs, an Informative-publishing resource (2010) 335 experimental operations on humans (Нет наркотикам (2010) 335 Экспериментальных операций на людях). Available in Russian at:

http://www.narkotiki.ru/internet_5242.html.

³⁶ S. Soshnikov (2011) “*Patent-related activity in addiction treatment in Russia*,” a presentation at the conference “Medical Science and Right in the 21st Century,” St. Petersburg, 2010 (С. Сошников (2011). «Патентная активность в области лечения аддитивных расстройств в России»). Available in Russian at:

<http://www.youtube.com/watch?v=BqsM7-XHYLk>.

³⁷ According to information on the official website of the Union, the organization is supported by Sergey Lavrov, the Minister of Foreign Affairs of the Russian Federation. Online: <https://nasrf.ru/>

³⁸ Information about this and other cases related to the center “Step Forward” was reported on the Federal TV channel Vesti 1, on 25 March 2018.

³⁹ The statement of claim on this case was sent by

Russian Federation.⁴⁰ According to the video statements, they suffered prolonged immersion in ice-cold water, endured beating, were forced to carry heavy objects for several days on end (supposedly for educational purposes), experienced malnutrition, faced public disgrace, were coerced to perform prolonged physical labour, and were denied access to medical treatment. Staff members of the rehabilitation centres used these methods of torture to “motivate” people to stop using drugs.

On August 29, 2016, journalist Ilnur Sharafiev published a similar report with numerous statements of victims of torture, their relatives, lawyers, and social workers who had experience working with or investigating the activities of drug rehabilitation centres in Russia.⁴¹

On March 31, 2016, an online newspaper, *Realnoe Vremya*, published a report with the results of an investigation into the activities of what journalists called “private prisons for drug addicts.”⁴² The report describes torturous practices similar to those in Kuzina’s and Sharafiev’s reports. In addition, the report describes how private rehabilitation centres in the Republic of Tatarstan are connected with each other and with Russia-wide networks, such as the National Anti-Drug Union, which is openly supported by high Russian officials, including Sergey Lavrov, the Minister of Foreign Affairs of the Russian Federation. In March 2017, representatives of the National Anti-Drug Union were members of the official delegation of the Russian Federation to the UN Commission on Narcotic Drugs.⁴³

9. Do drug courts which seek to use treatment as an alternative to imprisonment exist in your State? Please describe their operations, including applicable procedural guarantees for the accused. Does the accused have to plead guilty to the drug-related offence prior to being diverted into treatment? Are only accused persons who are drug dependent on opioids diverted for treatment, or are people who use other drugs that do not cause drug dependence diverted? Can treatment exist for a period that is longer than the period of imprisonment provided for in the offence for which the accused has been charged? Does the accused still have to serve a period of imprisonment if the treatment is not successful? What constitutes successful treatment and does the person in treatment have the right to a hearing before an independent authority and to be represented by legal counsel and present expert medical testimony on the evolution of his or her treatment?

As mentioned earlier (see answer No. 7), Russian laws empower law enforcement agencies and courts to coerce people who use drugs to undergo substandard drug dependence treatment under the threat of administrative punishment of up to 30 days of imprisonment for not staying abstinent, which is categorized as violation of the court treatment order. In 2019, courts considered 25,175 administrative cases of violation of treatment orders; 22,769 people were punished, including 12,270 people imprisoned for between 5 and 30 days.⁴⁴

Criminal laws provide for treatment alternatives to punishment but only for minor crimes of possession. As mentioned earlier, in 2019, only 4% of all people convicted for the acquisition or possession for personal use were subjected to medical treatment, both as an alternative and in

⁴⁰ Kuzina A., (2016) “Ice Bathhouse: How drug dependent patients get motivated for rehabilitation”. Radio Freedom. Online: <https://www.svoboda.org/a/27604656.html>

⁴¹ Sharafiev A., (2016). “How “motivation centers” earn money by way of forced treatment of drug dependent people”. <https://meduza.io/feature/2016/08/29/dom-s-normalnymi-yavleniyami>

⁴² “Slave trade of XXI century: A network of “private prisons” is created in Tatarstan?”. (2016) *Realnoe Vremya*. <https://realnoevremya.ru/articles/27420>

⁴³ United Nations (UN). 60th Session of the Commission on Narcotic Drugs. News.

<https://nasrf.ru/news/nas/organizatsiya-obedinennyh-natsij-oon-60-ya-sessiya-komissii-po-narkoticheskim-sredstvam/>

⁴⁴ “Report on the work of the courts of general jurisdiction on litigation with administrative offences” (table №1-AP of “Summary statistics on the activities of federal courts of general jurisdiction and justices of the peace for 2019” <http://www.cdep.ru/index.php?id=79&item=5258>

addition to punishment (often as one of conditions for the suspended sentence [conditional sentencing]).⁴⁵

10. Does your State provide drug treatment to people in custodial or pre-trial detention, or who have been imprisoned following a conviction? Do these drug treatment services include harm reduction services? Please describe what types of drug treatment and harm reduction services are available to detainees and imprisoned people. Please also indicate if such services are available to those in administrative detention such as undocumented migrants or those subject to a deportation order. If no such services are available, does this result in forced confessions or people not being able to participate in their defence?

There are no harm reduction services for detainees and imprisoned people. The Russian government doesn't consider harm reduction as an effective and necessary measure.

Russia does not acknowledge the legitimacy of internationally recognized forms of medical and pharmacological drug-dependence treatments, such as OST, and has banned such treatment. As a result, no evidence-based drug-treatment services are available in pre-trial detention or in any custodial facilities. Instead, drug dependence is treated with "treatments" such as beatings, humiliation, and "character-building" exercises, which are not supported by any scientific evidence demonstrating their effectiveness.

Among vulnerable and overcrowded prison populations, HIV-prevalence and the spread of other infectious diseases, such as tuberculosis and hepatitis C, are many times higher than in general populations.

From a human rights standpoint, those detainees and prisoners whose health has been weakened through the use of illegal drugs, HIV, and other infectious diseases, require special attention. But the prison health-care system denies them such attention, and instead inmates' requests for medical assistance have led to violence against them by penitentiary administrations. These prisoners' requests for medical attention are met with beatings or even more egregious treatment.

The denial of medical treatment for PWUD is not limited only to those health conditions resulting from drug use; as long as the individual suffering is a PWUD, often any kind of health care are denied. For example, while in pre-trial detention, some PWUD have been denied necessary medical services for pre-existing conditions, such as congenital physical disabilities, resulting in otherwise easily avoidable severe pain and suffering.

11. Does your State use military courts to try people for drug-related offences? Please describe how such military courts conform to the procedural guarantees for detention and fair trial under international norms. Are military personnel involved in law enforcement operations against individuals or groups suspected of drug-related crimes? If so, are these regular military forces or the military police? Have they received training in human rights standards for law enforcement and the use of force? How is coordination undertaken with civilian law enforcement?

Not applicable to Russia

12. Does your State have legislation that provides for administrative detention for people who use drugs who are considered a danger to themselves or others? If so, can you please describe the legislative basis for such detention, applicable procedural safeguards, including the right to be represented by legal counsel and to present expert medical testimony, and a right of appeal? Can other legislation such as that aimed at individuals with psycho-social disabilities be used in relation to those who use drugs and are

considered a danger to themselves or others? If so, can you describe the legislative basis for such detention, applicable procedural safeguards, including the right to be represented by legal counsel and to present expert medical testimony, and a right of appeal?

Not applicable to Russia

13. Does your State provide for the involuntary detention of pregnant women who use drugs in circumstances where such drug use has been deemed to constitute a danger to the fetus, and where voluntary attempts by health professional to work with the pregnant woman have failed? Please describe the legislative basis and applicable procedural guarantees in case of such an involuntary detention.

Not applicable to Russia

14. Does your State provide drug treatment to people in custodial or pre-trial detention, or who have been imprisoned following a conviction? Do these drug treatment services include harm reduction services? Please describe what types of drug treatment and harm reduction services are available to detainees and imprisoned people. Please also indicate if such services are available to those in administrative detention such as undocumented migrants or those subject to a deportation order. If no such services are available, does this result in forced confessions or people not being able to participate in their defence?

No evidence-based drug treatment services are available in pre-trial detention or in any custodial facilities. Moreover, people with drug dependence generally prefer not to disclose to their health status to prison administration because such disclosure would lead to unnecessary restrictions — allegedly to prevent suicides — and often bars an inmate from early conditional release.

15. Are juveniles (those under the age of 18) subject to arrest, detention and imprisonment for drug-related crimes? For crimes relating to the acquisition, use or possession for personal use of drugs? If so, are they detained or imprisoned in facilities for children in conflict with the law who are under 18, or are they detained or imprisoned in facilities for adults? Can such juveniles be subjected to compulsory drug treatment or treatment with the consent of their families/legal guardians?

As mentioned earlier, in 2019, courts convicted 1,460 youth (16-18 years old) for drug crimes, including possession.⁴⁶ There are special correctional facilities for youth in conflict with law. These facilities are not different in any way from the facilities for adult inmates in terms of the lack of access to drug treatment or harm reduction services. According to Article 53.4(5) of the Federal Law of 08.01.1998 N 3-FZ "On narcotic drugs and psychotropic substances," parents/legal guardians can give consent to subject a person under 15 years of age to a drug treatment facility.

16. What provision is in place for those drug users and their dependants who are detained in the context of migration in your State?

No special provisions. Such people are subject to the worst conditions because migration detention centres in general provide very limited health services.

17. Are there any good practices being developed or implemented in your State in relation to drug-related detention and drug policies? If so, please provide examples.

No.

⁴⁶ Statistics of the Judicial Department of the Supreme Court for 2019, Форма № 6-MB-HOH. Online: <http://www.cdep.ru/index.php?id=79&item=5259>

18. Are there any new or emerging trends in drug-related detention and drug policies that could be addressed by this study?

In May 2020, the State Duma Commission on the Investigation of interference in the Internal Affairs of Russia prepared a bill on criminal punishment for propaganda of drug use on the internet. Deputies proposed to supplement article 230 of the Criminal Code and introduce punishment for drug propaganda in the form of imprisonment for a term of five to ten years. In the event of the death of two or more people, a proposed punishment is from 12 to 15 years imprisonment. The bill is soon going to be submitted to the State Duma.

Anti-drug propaganda laws provide for such a broad definition of drug propaganda that anything containing the words “heroin” or “methadone” can fall within its scope.⁴⁷ An inter-agency Order No 84/292/351/MMB-7-2/461 of May 18, 2017, defines as propaganda any information that aims to create a positive image of those who make or use drugs.⁴⁸

Russian law enforcement has long been known to use this law to suppress human rights and health information.⁴⁹ Even scientific and other public discussions regarding such WHO-recommended methods of drug dependence treatment as opioid substitution therapy (OST) are suppressed in Russia under threat of prosecution for drug propaganda.⁵⁰ In 2012, the Federal Drug Control Service shut down the website of the non-governmental organization Andrey Rylkov Foundation for Health and Social Justice as “drug propaganda” for disseminating the recommendation concerning OST that had been delivered to the Russian government by the UN Committee on Economic, Social and Cultural Rights.⁵¹

In 2018, government agencies administratively blocked 24,900 webpages or web domains. In addition to this, 1,338 internet sites were blocked based on court decisions. The Ministry of the Interior took 3,973 administrative decisions to block access to social networks groups.⁵² Below are some examples of the sweeping use of anti-drug propaganda laws:

- Every year, Russian courts impose fines on many thousands of entrepreneurs for selling goods, such as socks or t-shirts, with pictures of cannabis leaves⁵³;
- In 2018, the court imposed a significant fine of 800,000 rubles on the Moscow-based non-governmental organization Andrey Rylkov Foundation for Health and Social Justice for making public information about how to reduce harm of illicit drug use⁵⁴;
- In 2018, the court imposed a significant fine of 40,000 rubles on a journalist for comparing adverse social consequences of alcohol use (in particular murder under the influence of alcohol) to those of marijuana use (no registered cases of murder under the influence of marijuana ever)⁵⁵;

⁴⁷ Federal Law No 3-FZ of January 8, 1998 “On narcotic drugs and psychotropic substances”. Article 46.

⁴⁸ 45 Приказ Роскомнадзора, МВД РФ, Роспотребнадзора, ФНС РФ от 18.05.2017 г. No 84/292/351/MMB-7-2/461 @.

<http://pravo.gov.ru/proxy/ips/?docbody=&nd=102437295>

⁴⁹ Communication to the United Nations Educational, Scientific and Cultural Organization (UNESCO) regarding violation by the Government of the Russian Federation of the right to enjoy the benefits of scientific progress and its applications. March 2012. Online at http://www.aidslaw.ca/newsite/wp-content/uploads/2013/04/ARF_UNESCO2April2012.pdf

⁵⁰ T. Parfitt, “Vladimir Mendelevich: fighting for drug substitution treatment,” *The Lancet* 2006, Volume 368, Issue 9532, p. 279.

⁵¹ Communication to the United Nations Educational, Scientific and Cultural Organization (UNESCO) regarding violation by the Government of the Russian Federation of the right to enjoy the benefits of scientific progress and its applications. March 2012. Online at http://www.aidslaw.ca/newsite/wp-content/uploads/2013/04/ARF_UNESCO2April2012.pdf

⁵² Extracts from the State Drug Report, 2018. Online: <https://media.mvd.ru/files/application/1628743>

⁵³ См. обзор практики по делам об административных правонарушениях, предусмотренных ч. 1 ст. 6.13 КоАП РФ, на <http://hand-help.ru/doc25.18.html>

⁵⁴ Litigation information is available at: <https://rylkov-fond.org/blog/category/strategicheskie-kejsy-far/delo-v-otnoshenii-far-o-propagande-narkotikov/>

⁵⁵ А. Бородихин, «Удар телевизором и челябинская марихуана в Страсбурге. Журналист обжаловал в ЕСПЧ штраф за «пропаганду наркотиков». «Медиазона», 25 января 2019.

<https://zona.media/article/2019/01/25/chelweed>

- In 2018, the court imposed a significant fine of 800,000 rubles on an internet publication, “7x7”, for publishing a statement by an opposition politician Mr. Svetov, concerning the legalization of marijuana⁵⁶;
- In 2019, the court imposed a significant fine of 800,000 rubles on an internet publication Lenta.ru for publishing information about the ongoing reform of drug laws in Europe⁵⁷;
- In 2020, a Ukrainian organization (Alliance of Public Health, Ukraine) and a Lithuanian organization (Eurasian Harm Reduction Association) received orders from a Russian agency in charge of information control (Roskomnadzor) to delete several pages from their websites for allegedly containing drug propaganda;
- Russian authorities also prohibit such public awareness events as a cannabis march in support of drug laws and policy reforms.⁵⁸

If new laws suggested by the Commission on the Investigation of interference in the Internal Affairs of Russia are accepted, all such cases could lead to deprivation of freedom.

Annex I



Andrey Rylkov Foundation for Health and Social Justice (www.rylkov-fond.org) is a grass-roots organization from Moscow, Russia with the mission to promote and develop humane drug policy based on tolerance, protection of health, dignity and human rights. The Foundation engages in 4 key strategies to advance its mission: advocacy, watchdog, service provision and capacity building of affected communities and individuals.

Address: 17-82 Marshala Biryzova street, Moscow, Russia, 123060



The Canadian HIV/AIDS Legal Network (www.aidslaw.ca) promotes the human rights of people living with and vulnerable to HIV/AIDS, in Canada and internationally, through research and analysis, advocacy and litigation, public education and community mobilization. The Legal Network is Canada’s leading advocacy organization working on the legal and human rights issues raised by HIV/AIDS. (An NGO with Special Consultative Status with the Economic and Social Council of the United Nations).

Address: 1240 Bay street, Suite 600, Toronto, Ontario, Canada, M5R 2A7

Tel: 1(416)595 1666; Fax: 1 (416) 595 0094

⁵⁶ М. Поляков, «Суд в Сыктывкаре оштрафовал «7x7» на 800 тысяч рублей за «пропаганду наркотиков» в интервью политика Светова. Что об этом известно». «7x7», 20 июня 2018. <https://7x7-journal.ru/articles/2018/06/20/sud-v-syktyvkare-oshtrafoval-7h7-na-800-tysyach-rublej-za-propagandu-narkotikov-v-intervyu-politika-svetova-chto-ob-etom-izvestno>

⁵⁷ «Ленту.ру» оштрафовали на 800 тысяч рублей за текст о легализации марихуаны в Европе». «Медиазона», 1 января 2020. <https://zona.media/news/2020/01/01/lenta>

⁵⁸ Application No. 25465/16 Konstantinov v. Russia (communicated on 5 June 2018 and merged with No. 2064/10 Fedotova v. Russia).