

## Statement by Memorial Human Rights Centre on the trial of Vitaly Buntov

On 8 December 2016 the trial of Vitaly Buntov began in Gubakha town court in Perm region. Vitaly Buntov (born 1976) has been serving a 25-year sentence in a strict regime prison colony after being [convicted](#) of a number of serious crimes.

The court is hearing charges brought against Buntov of a crime under Article 303, Section 3, of the Russian Criminal Code ('knowingly giving false witness about a crime, together with accusing a person of committing a serious crime, and with falsely created evidence of the accusation').

According to the prosecution, Buntov persuaded one Zubov, a fellow prisoner at Prison Colony No. 12 in Perm region, to cause Buntov 'bodily injuries with objects he acquired that were similar in form to the special equipment used by law enforcement agencies of the Russian Federation – specifically, a "rubber baton".' Allegedly, this was done to enable Buntov to make a 'knowingly false report to the authorities' and accuse prison officers Nazarov, Shamin and Mulenko of committing a crime under Article 286, Section 3 (Parts a and b) of the Russian Criminal Code ('exceeding official powers using violence and special means').

This account of events seems extremely unlikely. The fact is that on 5 June 2012 the European Court of Human Rights had issued its ruling in the case of '[Buntov v Russia](#)' and found that the Russian Federation had violated the rights of Buntov under Article 3 of the Convention on Human Rights and Fundamental Freedoms ('prohibition on torture') in relation to a preceding incident of torture when, among other things, all Buntov's fingernails had been removed. The Court on that occasion awarded Buntov 45,000 euros in compensation for moral harm and 10,717 euros for legal costs. However, this decision has not been executed in so far as the requirement for an effective investigation is concerned. No one has been held to account for the violations. As a result of the failure by the Russian Federation to investigate the crime, supervision of the execution of the judgment of the European Court of Human Rights has been passed to the Committee of Ministers of the Council of Europe.

The European Court of Human Rights is also considering an application by Buntov against his conviction by Khabarovsk region court for which Buntov has already served 15 years in prison. It is highly likely that the new criminal charges against him are related to this application and may be a reprisal against a prisoner who has exposed cases of torture by prison officers, and also a form of intimidation intended to force him to withdraw his application to the European Court of Human Rights, itself a violation of Article 35 of the European Convention.

Without considering the question whether the murder conviction of Vitaly Buntov was lawful (something of which, it needs to be said, there are [serious doubts](#)), we declare that the torture of prisoners – even those convicted of the most serious crimes – is a very grave violation of the Constitution of the Russian Federation. Moreover, the prosecution of victims of torture, who seek justice for themselves and for other prisoners, is especially dangerous against the background of incessant reports of human rights violations in the Federal Penitentiary Service.

We consider that Vitaly Buntov should be acquitted by the court on charges of making a false accusation, and his complaints of torture and inappropriate treatment investigated in an objective manner by the investigative authorities. We shall continue to follow developments in this case.

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