

Translated from Russian

**Permanent Mission of the Russian Federation to the United Nations Office
and other international organizations in Geneva**

No. 3208

The Permanent Mission of the Russian Federation to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to transmit herewith information from the Russian Federation in response to the joint communication from a number of special procedures of the Human Rights Council, AL RUS 7/2021 of 9 June 2021, concerning the status of V.L. Yesypenko.

The Permanent Mission takes this opportunity to convey to the Office the renewed assurances of its highest consideration.

Addendum: as mentioned, 3 pages

Geneva, 5 August 2021

Office of the United Nations High Commissioner for Human Rights

Geneva

Information from the Russian Federation in response to the joint enquiry by special procedures of the Human Rights Council, concerning the status of Yesypenko Vladyslav Leonidovych

Reference: AL RUS 7/2021 of 9 June 2021

The Russian Federation, having studied the above-mentioned enquiry has the honour to report the following.

On 11 March 2021, V.L. Yesypenko, born on 13 March 1969, was detained as a suspect in accordance with article 91 (Grounds for the detention of a suspect) and article 92 (Procedure for the detention of a suspect) of the Code of Criminal Procedure of the Russian Federation.

On 11 March 2021, criminal proceedings were instituted against him on the basis of evidence of an offence contrary to article 223.1 (1) of the Criminal Code of the Russian Federation (Illegal manufacture of explosive substances and illegal manufacture, alteration or repair of explosive devices). The basis for the institution of criminal proceedings was the discovery of a grenade in a car driven by Mr. Yesypenko on 10 March 2021 and the confession he made in this regard in the presence of counsel and under video recording (he later retracted this confession, availing himself of his right under article 51 of the Constitution of the Russian Federation).

As a preventive measure, Mr. Yesypenko was remanded in custody by order of the Kiev District Court in the city of Simferopol on 12 March 2021; this order was upheld by the Supreme Court of the Republic of Crimea on 6 April 2021. The District Court extended Mr. Yesypenko's remand, first until 11 July, then until 18 December 2021, and brought formal charges against him.

As a result of the investigation, Mr. Yesypenko was charged with offences under article 222.1 (1) (Illegal acquisition, manufacture, transport and storage of explosive devices) and the aforementioned article 223.1 (1) of the Criminal Code. The Procurator's Office of the Republic of Crimea, having studied the evidence gathered, deemed it sufficient in the aggregate and sent the case file, with the approved bill of indictment, to the Simferopol District Court of the Republic of Crimea on 18 June 2021 for consideration of the case on the merits.

The legality and validity of the decision to institute criminal proceedings were verified in a timely manner by the supervising procurator, who found that it had been taken in strict compliance with the current law on criminal procedure of the Russian Federation and that there had been sufficient information regarding *indicia* of a crime.

As for the torture and other pressure to which Mr. Yesypenko was allegedly subjected, neither during the hearing before the Kiev District Court in Simferopol on 12 March 2021, nor during questioning on 13 and 16 March 2021, did Mr. Yesypenko make any complaint about the actions of the officers involved. He first

reported this treatment on 6 April 2021 at the hearing before the Supreme Court of the Republic of Crimea to consider his appeal against the 12 March 2021 order of the court of first instance. He made similar statements during further questioning on 13 April 2021.

The Investigative Committee of the Russian Federation carried out an inquiry into these allegations under article 144 (Procedure for the consideration of a crime report) and article 145 (Decisions resulting from the consideration of a crime report) of the Code of Criminal Procedure on the basis of evidence of offences contrary to article 286 (3) (a) (Abuse of authority involving the use or threat of violence), article 302 (2) (Coercion to testify involving the use of violence, humiliation or torture) and article 303 (3) (Falsification of evidence and of the results of a police investigation in a criminal case concerning a serious or especially serious offence) of the Criminal Code.

The aforementioned statements by Mr. Yesypenko were not corroborated. Accordingly, on 11 May 2021, pursuant to article 24 (1) (1) of the Code of Criminal Procedure (Absence of a crime), it was decided not to institute criminal proceedings; the legality of this decision was verified and confirmed by the procuratorial authorities.

On 11 March 2021, [REDACTED] was appointed as defence counsel for Mr. Yesypenko, who declined her services on 7 April 2021, demanding that lawyers [REDACTED], [REDACTED] and [REDACTED] be granted access to the case file. Mr. Yesypenko also had recourse to the services of lawyer [REDACTED]

Mr. Yesypenko is being held in pretrial detention facility No. 1, a federally funded institution under the department of the Federal Penal Service of the Russian Federation for the Republic of Crimea and the city of Sevastopol. He is being granted visits in accordance with article 18 of Federal Act No. 103-FZ of 15 July 1995 on the Custody of Suspects and Accused Persons.

His state of health is being monitored in accordance with the Procedure for the provision of medical care to remand prisoners and persons serving custodial sentences, approved by Order No. 285 of the Ministry of Justice of the Russian Federation of 28 December 2017, and is assessed as satisfactory.

On 29 March 2021, during a visit to pretrial detention facility No. 1, members of the Public Oversight Commission of the Republic of Crimea spoke with Mr. Yesypenko, who made no comment regarding the administration of the institution.
