

V. Vedernikov's speech at the Novosibirsk Regional Court on 16.09.21.

I took as a basis for my speech in the debate on the Resolution of the Plenum of the Supreme Court of the RF №41 of 11.06.2020. (latest Revision). Paragraph 2 states: "Detention as a measure of restraint is only allowed after the court has verified the validity of the suspicion of the person's involvement in the crime committed.

Draw the courts' attention to the fact that verification of the validity of a person's suspicion of involvement in an offence cannot be reduced to a formal reference to the existence of sufficient data from the preliminary investigation authorities that the person was involved in the commission of the offence. When considering an application for remand in custody, the judge must check whether the application and the materials attached to it contain specific information indicating that this particular person was involved in the commission of the offence."

We are accused of committing a particularly serious crime by means of mental influence on the victims. In fact, there is not a single piece of evidence in the petition, except for the denunciations (there is no other word for it) of the two victims and the fictitious expert examinations of the victims' mental disabilities. The expertise is fictitious because it is based on the words of the victims without any stationary examinations. For more than a year the investigating authorities have not performed a proper examination. The question is why. The answer is obvious: if an expert examination is carried out, it will not confirm the presence of mental disorders in the victims. Then the entire criminal case is a sham and far-fetched.

Paragraph 3 of the Plenum's Resolution states: "Based on the provisions of Article 97 of the RF CPC, no preventive measure, including a preventive measure in the form of detention, may be ordered for a suspect or defendant unless evidence (i.e. an undisputed fact) is established in the court proceedings that the suspect or defendant will abscond from investigation or court proceedings or continue his criminal activities or may threaten a witness or other participants of the criminal proceedings."

No evidence that we can hide from the investigation or the court is being provided by the investigating authorities, and the courts, in violation of the Resolution of the Plenum of the Supreme Court of the Russian Federation, impose a measure of restraint in custody.

Paragraph 21 of the Plenum's judgment states: "In extending the period of remand in custody at any stage of the criminal proceedings the courts must verify whether the grounds set out in Article 97 of the CPC are present at the time the matter is considered and must be supported by reliable information and evidence. It must be borne in mind

that the circumstances on the basis of which a person has been remanded in custody are not sufficient to extend the period of his detention."

During the year of our detention the investigating authorities have not provided any evidence of our guilt or of the fact that we may abscond from the investigation or trial, threaten witnesses or victims, or continue our criminal activities. On what grounds are we being held in custody for a year now? Do we live in a state governed by the rule of law?

In the petition of the investigation it is said that we can influence the victims and the witnesses, but so far they have influenced us both mentally and physically. At the end of January I was tortured for five days by my cellmates, who did not conceal their goals and by whom they had been given tasks. The purpose of torture was to make us confess to crimes we had not committed. The torturers did not hide the fact that the investigation authorities were interested in this. After I spoke openly about the torture in the pre-trial detention centre, the administration started and is still trying to put us under psychological pressure. This is manifested through administrative punishments for breaking the internal order, which we had not committed (they planted forbidden items on us, prepared fictitious reports and provided false documents at the request of our lawyers), and weekly moves from cell to cell (I was transferred from one cell to another more than 30 times in recent months without any explanation). This caused worsening of my health condition, high blood pressure, restless sleep, which is a mental disorder according to medical criteria, but it is precisely the mental disorder of the "victims", according to whose denunciations we are in custody.

These are indisputable facts, i.e. evidence of the direct influence from the investigation and the detention centre administration. No one pays any attention to it. For a year now, in the courts, I have been drawing the attention of the investigating authorities to the fact that the victim Kistersky had attacked my wife, which has direct evidence, video from the surveillance camera in the shop where it all took place and witnesses who were nearby, but the investigation has done nothing in this direction, which shows the bias and disinterest of the investigation in an objective investigation.

The absurdity of the whole situation lies in the fact that, having achieved no results, the investigation authorities, in order to somehow justify our stay in custody, question the same witnesses three times, asking the same questions. It is very similar to a form of pressure on witnesses by the investigation.

To sum it up: there is no evidence of our guilt, there is no evidence that we will abscond or will in any way influence somebody - then on what legal basis are we detained for a year?

In view of the above, I ask the court to change the preventive measure to a milder one.

