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Crime, Torture and Punishment in a Moscow Suburb

Viktor Lukyan, sentenced to six years for murder, had little chance of a fair trial under a system that presumes defendants are guilty.

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Lukyan in a Domodedovo courtroom cage in February. He spent more than a year in pre-trial detention.
Evan Gershkovich / MT

On a Wednesday morning late last May in Barybino, a drab town in the Moscow suburbs, a passerby spotted a body wrapped in black garbage bags floating in a pond by the main street.

Police soon determined it was the corpse of a 38-year-old man named Dmitry Serbinov. Although he wasn't a resident of Barybino, he had moved in with a local, Marina Kolgina, a year earlier, and quickly become familiar to local officers as she regularly filed complaints of domestic abuse. That morning they found Serbinov with nine stab wounds across his chest, two more on his left shoulder and another two above his brow. He was also missing his left

ring finger and its silver band engraved with the words "save and protect."

Two days later, in the early hours of Friday, May 25, police rounded up Kolgina and three men in her circle, all of whom had previously been charged with various kinds of misconduct. As night turned into morning, then into day, they set about interrogating the suspects until one of the men had admitted to the murder — although he would later retract his confession — and another had agreed to testify against him in the trial.

"They went after the easiest people to frame," said Pyotr Khromov, a lawyer with the Committee Against Torture human rights group, which investigates allegations of torture by the state. "Who cares if another drunk goes to prison?"

The chain of events that followed highlights a criminal justice system that presumes defendants are guilty and is reluctant to question the state. According to a study by the independent Proekt outlet published in May, less than half a percent of court cases in Russia last year ended in acquittal.

Once police have decided on the narrative of a crime, due process slinks into the background and there is little a defense team can do.

The three men in the case were acquaintances bound by alcohol. As in many small Russian towns, there isn't much to do in Barybino. So when the men had a day off work and enough money for liquor, they would drink till they finished it.

There was Nikolai Yugov, a 36-year-old Moscow native who had moved to Barybino in 2015 with his elderly father, working odd jobs when he could find them. There was Sergei Naumov, a 56-year-old man of small stature who walked with a pronounced limp due to a missing kneecap. Born and raised in Barybino, he earned his wages as a groundskeeper.

And there was Viktor Lukyan, 42, a Moldovan who had lived in Barybino for the last 14 years. A machinist by trade, he had come to Russia in 2000 to find work and was the link between the three men, Serbinov and Kolgina. He had married Kolgina's cousin, who later died in a car accident with him at the wheel, and had lived in a section of Kolgina's house his entire time in Barybino, a microdistrict of Domodedovo.

This June, the Domodedovo court found him guilty of killing Serbinov.

Before the trial began this January, the Committee Against Torture had received a tip that the police had tortured one of the men while they were in custody on May 25. The rights group takes such allegations seriously. According to a survey by the independent Levada Center pollster published in June, one in 10 Russians say they have been tortured by law enforcement officials.

The prosecution did not respond to multiple requests for comment.

The rights group interviewed Kolgina, Lukyan, Yugov and Naumov. According to the transcripts reviewed by The Moscow Times, the police started with Yugov as their primary suspect. "They tried to persuade me to confess," Yugov said. "They threatened me and punched me."

Suddenly, though, the interrogators relented. They had realized that Yugov was released from a five-day prison sentence on the same morning the body was found and therefore wouldn't do as the lead suspect. As he waited in the hallway to be released, Yugov overheard operatives interrogating Naumov. "They said: 'Do you want to be a witness or an accomplice?'"

In his own interview, Naumov told the rights group that officers told him Lukyan had admitted to the crime. They took turns pressuring him to be a witness. At one point, an officer pulled a dagger out of a cabinet. "I'll stick this dagger up your ass," Naumov recounted the officer as saying.

But it was only when another officer said, "We'll take you to the garage," that Naumov succumbed to the pressure. The garage behind the police station, Naumov explained, was infamous around Barybino. He promptly signed testimony that had already been written for him, he said.

That left Lukyan. After he repeatedly refused to admit to the crime, police took him to the notorious building out back. Inside, one of the interrogators, whose name Lukyan remembers as Mikhail Gordeyev, told him to take off his shoes and socks, then taped his legs, arms and torso to a chair and tied a wire to the big toe on his left foot.

Lukyan said he felt strong electric shocks for the next forty minutes. Still, he did not admit to the murder. The interrogators increased the force.

"They pulled down my pants and underwear, and Gordeyev untied the wire from my left toe and retied it to the tip of my penis, saying: 'Now you'll admit to it,'" Lukyan recalled. "I felt an electric shock again, this time a lot more painful. I lost consciousness."

The operatives poured water over Lukyan to rouse him, then shocked him once more. Again Lukyan blacked out. When he came to the second time, he agreed to sign whatever testimony the operatives put in front of him.

After the officers were done with Lukyan, they drove him and Naumov to the local branch of the Investigative Committee — Russia's version of the FBI — for questioning. The men had barely slept in 24 hours and gave the investigators the version of events allegedly laid out for them.

According to police, on the morning of May 21, 2018, Naumov and Lukyan had split a 1-liter bottle of vodka — downing 11 shots each — in Lukyan's kitchen before Naumov took a nap on the living room couch. He woke up to the front door opening around noon, and went into the kitchen to see Serbinov and Lukyan arguing. Lukyan grabbed a knife off the kitchen table and began stabbing Serbinov's chest.

Serbinov fell onto his back. Naumov, worried that he wouldn't be able to run away from Lukyan because of his disability, stayed put, and Lukyan told him to help him dispose of the body. The two men carried the bloody corpse into the living room and placed it on plastic shopping bags. Lukyan returned to the kitchen and, using dish soap and water, scrubbed the blood off the floor.

That evening, using a wheelbarrow Lukyan regularly borrowed from Yugov, the two pushed

the body the 15-minute walk from Kolgina's house down Barybino's main street and dumped it in the pond.

After the men provided testimony, investigators took Lukyan to a doctor to check for signs of a fight with Serbinov on May 21. What the doctor found, however, spoke not to a fight on that date but torture, Khromov said.

Bruises on his wrists and ankles were a "single circular, horizontal width," the doctor wrote in the report reviewed by The Moscow Times — the same width, Khromov noted, as scotch packing tape. There were also injuries above his eye, and on his cheeks and hip.

The doctor concluded that the bruises could not have occured on the day of Serbinov's murder.

"All of the discovered bruises on Mr. Lukyan appeared one to three days before the forensic medical examination (26.05.2018), as indicated by their pale purple color without green and yellow shades that appear 3-7 days after an injury," the report reads.

Related article: 1 in 10 Russians Have Been Tortured by Authorities – Poll

Armed with evidence of torture and retractions of their testimonies by Lukyan and Naumov, proving that the foundation of the state's case against their client was manufactured was nonetheless a tall order for the defense team when the trial began on January 15.

To that end, the team — Khromov; Fyodor Bogatyryov, a former police detective turned defense attorney; and Dmitry Buyansky, a court-appointed lawyer who had voluntarily remained on the case — were expecting Naumov to recount in court what he had told the Committee Against Torture.

When Naumov arrived at the Domodedovo courthouse, he peeked into the courtroom, where proceedings were ongoing. The judge directed him to wait in the hallway until it was his turn, then called for a lunch break a few minutes later.

When Khromov left the courtroom, Naumov was nowhere to be found.

About an hour and a half later, Naumov and Gordeyev returned to the courtroom and Gordeyev sat behind Naumov on the benches open to the public. "Our mistake was not taking into account how far the police operatives would go," Khromov said.

Questioned by the state prosecutor first, Naumov stuck with the state's version of events. When it was Khromov's turn, he asked Naumov if he had earlier turned to the rights group for help. No, Naumov replied. (Just a month earlier, he had given an interview to the Takie Dela news outlet under a pseudonym confirming that he had.)

"Is this your signature?" Khromov asked, showing a letter dated November 12 sent from Naumov to the rights group requesting legal assistance.

"Yes, that's my signature," Naumov answered.

Gordeyev leaned forward and spoke to Naumov.

Boyansky interrupted to confirm that Gordeyev was the 27-year-old police officer mentioned in the indictment. Then he addressed the judge: "Your honor, why can a police operative be here and give a witness instructions?"

"We have an open court session," replied Judge Alexander Skripst. "Anyone can attend."

I attended court sessions whenever I could, through the winter and into the spring. An open murder trial was a rarity for Russia, and I wanted to see for myself why the country's acquittal rate was so low.

After the first court session, Gordeyev no longer showed up at the courthouse, but different men followed Naumov everywhere he went when he returned to the courthouse for additional testimony. At one point in February one of these men took a phone call and stepped away. I went up to Naumov and asked him if I could give him a call at some later date. He shook his head.

With Naumov in the state prosecutor's hands, Lukyan's defense team set about highlighting both the unanswered questions and the glaring holes in the state's story. For one, investigators never established where Serbinov was in the week leading up to the murder. None of the witnesses had seen him since May 13, and Kolgina had even reported him missing on May 21.

"The first thing I would have done if I was working as an investigator on this case was request the call logs from that week from his cell phone provider," Bogatyryrov told me. "I'd want to find out: Who were the last people he spoke to."

Investigators also never found the murder weapon. Nor did they find Serbinov's blood in Lukyan's house. And although Naumov had told investigators that the corpse was bloody, expert analysis the state prosecutor presented in court determined that the bleeding from all 13 stab wounds was internal, and that because Serbinov landed on his back after he fell, none of the blood could have spilled onto the floor — even when Lukyan and Naumov supposedly dragged the body into the living room and then back out again.

"I grew up in a village where I had to slaughter pigs throughout my childhood," Bogatyryov told the judge in court. "It is beyond belief that blood wouldn't have spilled out from those wounds."

And if investigators hadn't found blood, he continued, they ought to have checked for chemicals in the cracks between the floorboards that Lukyan would have used to clean the blood that would have spilled there. Simple dish soap, as Naumov had attested Lukyan used, wouldn't have done the job on the wooden floor.

Investigators likewise never found Serbinov's DNA in Lukyan's house. Nor did they find Lukyan or Naumov's DNA on Serbinov's corpse. They also didn't find Serbinov's blood in the wheelbarrow Lukyan and Naumov supposedly used to get rid of his body. While investigators did find traces of blood in the wheelbarrow, they never determined whether it was human or animal blood. As Yugov testified in court, he and his father regularly used the wheelbarrow to

transport groceries from the local market, including raw meat.

In interviews and in court testimony, friends, neighbors and relatives described Lukyan as quiet, shy, kind and someone who has difficulty saying no to others. "He's a coward," Kolgina said in court. "He couldn't hurt anyone."

They also testified to having different memories of last May 21 from Naumov.

Irina Ulyanova, Marina Kolgina's mother, testified that she was home in her back garden that day. She said she would have seen Serbinov come by as he would have had to walk past her to get to Lukyan's entrance, or she would have heard them fighting if she was inside during a break. "The walls are so thin I always heard when he had people over to drink," she said on the stand.

Then there was the Popov family, summer residents from Moscow whose home is on the other side of Ulyanova's garden. They testified that they had hired Lukyan to make metal plant beds for them that day. He worked the morning, took an hour for lunch around noon, then worked the afternoon until about 4 p.m. They said they did not notice him being drunk that day, and that he had never been drunk during any jobs he worked for them previously.

"My sister's husband had died a few weeks earlier so she needed someone to help her with the work," Galina Popova, 74, told me. "Vitya" — a diminutive for Viktor — "didn't even charge her for the work because he knew what had happened."

In interviews, Popova, her husband, Ulyanova and Kolgina all told me that they didn't believe Lukyan committed the murder.

"I never have conflicts with anyone," Lukyan said in his final words before sentencing. "I walk away if someone argues with me. I didn't commit this murder."

Judge Skripst ruled against Lukyan and sentenced him to six years in prison on June 26, the United Nations International Day in Support of Victims of Torture.

In his decision, reviewed by The Moscow Times, Skripst wrote that Lukyan and Serbinov had fought "maybe over Kolgina." He suggested that the witnesses who remembered May 21 differently from Naumov couldn't have been remembering the day clearly. He also suggested that, if Lukyan had indeed made the plant beds on May 21, he could have committed the murder during his lunch break before returning to work. And he suggested that Lukyan had cut off Serbinov's finger "to cover up his tracks."

I spoke to Khromov a week later by phone, after he had reviewed the written decision. "It is full of factual inaccuracies," he said. As an example, he pointed out that Skripst had referred to Lukyan's deceased wife as Kolgina's sister, not cousin. "And that's nothing to say of all the words he put into the mouths of the witnesses."

Skripst also brushed aside the claims of torture, referring to a July 5 decision last year by the Domodedovo Investigative Committee to not open a separate criminal case on the issue. That decision was later overturned after Khromov appealed to Moscow region higher-ups, saying that the case should be looked at in a different region for "objectivity and fairness." "Skripst knows this," Khromov told me.

A Moscow court is now considering whether to open a criminal case on the torture claims, with a decision expected on July 17. Regardless of what the court decides, Khromov plans to file a complaint about torture to the European Commission of Human Rights. He is also planning to appeal Skripst's decision later this summer.

"They didn't properly investigate this case because they had their key witness," he said. "Another court will see that."

Related article: Russian Cops Jailed for Torturing Suspects With Cigarettes, Boiling Water

Khromov has his own theory as to how Serbinov died. The pond where his body was found is a gathering place for town drunks. Up the road is an auto service garage, a church and two pawn shops.

"I think he got into an argument with someone — or some people — at the pond and was killed right there," Khromov told me. "Afterwards, they cut off his finger and took the ring to one of the pawn shops. Money for another drink."

I visited Barybino on a Thursday in mid-April during an unseasonably warm week. Along the pond's edges, nearly all of the snow had melted, revealing heaps of empty cigarette packs and beer cans.

I walked to Naumov's house, where I found him in the front yard feeding the family's chickens. I asked if we could speak. He went behind the house and returned a few minutes later holding out his cell phone. "My relative Misha," he said. "Talk to him."

Misha told me that if I didn't leave the property, he would be forced to call the police. So I left. Later, Khromov said that Naumov didn't have any relatives named Misha that he knew of; he suggested it might have been Gordeyev on the line — Misha is a diminutive for Mikhail — and said I might reach him at the police department in Aviatsionnyy, another microdistrict in Domodedovo, where he had been promoted to last fall.

After Lukyan's sentencing last week, I called the department and asked for Gordeyev. A young man on the other end of the line said he was out of the department for the day and gave me Gordeyev's cell.

When Gordeyev picked up, I said, "Misha?"

"Yes," said the same voice from April.

"Are you a relative of Sergei Naumov?"

Gordeyev was silent for a beat, then said, "Yes?"

"And are you also Mikhail Gordeyev the police operative?"

Gordeyev was silent again, then asked who was calling. I told him I was a journalist and that we had spoken in April when I had visited Naumov. Gordeyev said he doesn't remember that conversation. He then denied that he knew Naumov and that he was Mikhail Gordeyev, even

when I told him how I had obtained his number.

After the final arguments were delivered last month, I drove from the Domodedovo courthouse back to Moscow with Bogatyryov. Ever buoyant, he had maintained since the start of the trial that there was no way the judge would rule against Lukyan.

But on that warm June evening his belief finally wavered. Just before closing arguments were set to be delivered, Buyansky, the court-appointed lawyer, had entered the judge's quarters. Then, in the courtroom, Buyansky asked Lukyan to sign a form confirming that he was no longer on his defense team. Bogatyryov took the move as a sign that the judge would not be handing Lukyan a positive ruling.

That Bogatyryov had maintained faith for so long that Lukyan would go free was perplexing given what he had seen in 18 years as a detective and 10 as a defense attorney. We were stuck in traffic, and so he had time to rehash tales of what he had come up against in his career: a judge who drank on the job, a police operative who planted drugs on a suspect, a colleague who didn't properly investigate a crime because she trusted the police officers who had passed her the case.

As we approached the highway dividing Moscow's suburbs from the city, I asked Bogatyryov if he was naive in believing his client would go free.

"Maybe," he said. "But you have to be naive to continue trying to do your job in this justice system."

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