

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

CASE OF TEPLOV v. RUSSIA

(Application no. 69176/17)

JUDGMENT

STRASBOURG

13 October 2022

This judgment is final but it may be subject to editorial revision.



In the case of Teplov v. Russia,

The European Court of Human Rights (Third Section), sitting as a Committee composed of:

Darian Pavli*, President,*
Andreas Zünd*,*
Frédéric Krenc*, judges,*
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 15 September 2022,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application against Russia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 5 September 2017.

2. Notice of the application was given to the Russian Government ("the Government").

THE FACTS

3. The applicant's details and information relevant to the application are set out in the appended table.

4. The applicant alleged that he did not receive adequate medical care in detention and that there was no effective remedy in that regard. The applicant also raised another complaint under Article 3 of the Convention.

THE LAW

I. ALLEGED VIOLATION OF ARTICLES 3 AND 13 OF THE CONVENTION

5. The applicant complained principally that he was not afforded adequate medical treatment in detention and that he had no effective remedy in this connection. He relied on Articles 3 and 13 of the Convention, which read as follows:

Article 3

"No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

Article 13

"Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority ..."

6. The Court notes that the applicant suffered from a serious medical condition, as indicated in the appended table, which affected his everyday

functioning. Therefore, he could have experienced considerable anxiety as to whether the medical care provided to him was adequate.

7. The Court reiterates that the "adequacy" of medical assistance remains the most difficult element to determine (see *Blokhin v. Russia* [GC], no. 47152/06, § 137, ECHR 2016). It has clarified in this context that the authorities must ensure that diagnosis and care are prompt and accurate (see, for example, *Pokhlebin v. Ukraine*, no. 35581/06, § 62, 20 May 2010, and *Gorbulya v. Russia*, no. 31535/09, § 62, 6 March 2014) and that – where necessitated by the nature of a medical condition – supervision is regular and systematic and involves a comprehensive therapeutic strategy aimed at successfully treating the detainee's health problems or preventing their aggravation (see *Kolesnikovich v. Russia*, no. 44694/13, § 70, 22 March 2016, with further references).

8. Having examined all the material submitted to it, the Court has identified the shortcomings in the applicant's medical treatment, which are listed in the appended table. The Court has already found a violation with regard to issues similar to those in the present case (see *Blokhin,* cited above, §§ 120-50; *Reshetnyak v. Russia,* no. 56027/10, §§ 49-101, 8 January 2013; and *Koryak v. Russia,* no. 24677/10, §§ 70-110, 13 November 2012). Bearing in mind its case-law on the subject, the Court considers that in the instant case the applicant did not receive comprehensive and adequate medical care whilst in detention. The Court further notes that the applicant did not have at his disposal an effective remedy in this regard.

9. These complaints are therefore admissible and disclose a breach of Articles 3 and 13 of the Convention.

II. REMAINING COMPLAINTS

10. The applicant also raised another complaint under Article 3 of the Convention.

11. The Court has examined the application and considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, this complaint does not meet the admissibility criteria set out in Articles 34 and 35 of the Convention.

It follows that this part of the application must be rejected in accordance with Article 35 § 4 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

12. Article 41 of the Convention provides:

> "If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

13. Regard being had to the documents in its possession and to its case-law (see, in particular, *Tselovalnik v. Russia,* no. 28333/13, §§ 70-77,

8 October 2015, and *Kolesnikovich,* cited above, §§ 82-92), the Court considers it reasonable to award the sum indicated in the appended table.

14. The Court further considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint concerning the failure of the authorities to provide the applicant with adequate medical care in detention and the complaint concerning the lack of effective remedies in this regard admissible, and the remainder of the application inadmissible;

2. *Holds* that these complaints disclose a breach of Articles 3 and 13 of the Convention on account of the inadequate medical care in detention and the lack of an effective remedy in that connection;

3. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the amount indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 13 October 2022, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina	Darian Pavli
Acting Deputy Registrar	President

APPENDIX

Application raising complaints under Articles 3 and 13 of the Convention (inadequate medical treatment in detention and lack of any effective remedy in domestic law)

Application no. Date of introduction	Applicant's name Year of birth	Principal medical condition	Shortcomings in medical treatment Dates	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[1]
69176/17 05/09/2017	**Oleg Yevgenyevich TEPLOV** 1969	partial amputation of the feet	Medical assistance related to care for amputated feet, lack of feet prosthesis 13/03/2015 pending More than 7 year(s) and 2 month(s) and 26 day(s)	15,000

[1] Plus any tax that may be chargeable to the applicant.