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

FIRST SECTION

DECISION

Application no. 49568/08
Vladimir Viktorovich DZYABENKO
against Russia

The European Court of Human Rights (First Section), sitting on 26 August 2014 as a Committee composed of:
Khanlar Hajiyev, *President,*
Julia Laffranque,
Erik Møse, *judges,*
and Søren C. Prebensen, *Acting Deputy Section Registrar,*
Having regard to the above application lodged on 2 October 2008,
Having regard to the comments submitted by the parties,
Having deliberated, decides as follows:

THE FACTS

1. The applicant, Mr Vladimir Viktorovich Dzyabenko, is a Russian national, who was born in 1984 and lived in Aleksandriyskaya before his arrest. He was represented before the Court by Mr V. Penchukov, a lawyer practising in Rostov-On-Don.

2. The Russian Government ("the Government") were represented by Mr G. Matyushkin, the Representative of the Russian Federation at the European Court of Human Rights.

A. The circumstances of the case

3. The facts of the case, as submitted by the parties, may be summarised as follows.

4. On 9 June 2006 the applicant was detained in remand prison IZ-61/1 in Rostov-on-Don in connection with criminal proceedings against him. He stayed there until 22 December 2007 when he was transferred to another custodial facility.

5. According to the applicant, the Rostov-on-Don prison was overcrowded and ventilation did not function in the cells.

B. Procedure before the Court

6. On 2 October 2008 the applicant sent an application form to the Court which contained a detailed description of the conditions of his detention in remand prison IZ-61/1. He also mentioned his subsequent transfer to another facility.

7. On 21 October 2013 the application was communicated to the Government, who submitted their comments on 7 March 2014.

8. On 25 April 2014 the applicant submitted his comments in reply, elaborating on the conditions of his detention not only in the Rostov-on-Don prison, but also in two other detention facilities.

COMPLAINT

9. The applicant complained under Article 3 of the Convention about the conditions of his pre-trial detention.

THE LAW

10. The Government submitted that the period of the applicant's detention in remand prison IZ-61/1 had ended on 22 December 2007, nine months and eleven days before he had lodged the application. Accordingly, the complaint was belated.

11. The applicant claimed that he had been held in the remand prison for a longer time, approximately until 7 May 2008. In his comments of 25 April 2014 he described the conditions of detention in two other facilities without indicating the dates of his stay.

12. The Court must therefore establish the date on which the applicant's stay in the impugned conditions of detention ended.

13. The Government submitted a certificate from the Stavropol Division of the Penitentiary Service showing that the applicant's stay in IZ-61/1 had ended on 22 December 2007. They also submitted the applicant's cell record listing the dates of his stay there. In his comments in reply the applicant did not dispute the authenticity or accuracy of this information.

14. In the light of the above evidence, the Court concludes that the applicant's stay in remand prison IZ-61/1 of Rostov-on-Don ended on 22 December 2007.

15. As to the conditions of the applicant's detention from 22 December 2007 to 7 May 2008, the Court observes that they were described in sufficient detail only in the letter of 25 April 2014.

16. Having regard to the above, the Court considers that the applicant's complaints concerning the conditions of his pre-trial detention were introduced out of time. The application must therefore be declared inadmissible in accordance with Article 35 § 1.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Søren C. Prebensen
Acting Deputy Registrar

Khanlar Hajiyev
President