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

THIRD SECTION

DECISION

Application no. 11649/17
Anatoliy Yevgenyevich KOZLOV
against Russia
(see appended table)

The European Court of Human Rights (Third Section), sitting on 15 September 2022 as a Committee composed of:

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

Having regard to the above application lodged on 30 January 2017,

Having regard to the observations submitted by the respondent Government,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table. He was represented by Mr A.V. Pershin, a lawyer practising in Moscow.

The applicant's complaints under Articles 3 and 13 of the Convention concerning the inadequate medical treatment in detention and the lack of any effective remedy in domestic law were communicated to the Russian Government ("the Government").

THE LAW

The applicant complained that he had not received adequate medical assistance in respect of his medical condition indicated in the appended table and that he did not have any effective remedy in that 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 ..."

The Court observes that the general principles regarding the quality of medical care in detention have been stated in several of its previous judgments (see, among many other authorities, *Blokhin v. Russia* [GC], no. 47152/06, §§ 135-40, ECHR 2016, and *Ivko v. Russia*, no. 30575/08, §§ 91-95, 15 December 2015).

The Court further reiterates that it adopts conclusions after evaluating all the evidence, including by drawing such inferences as may flow from the facts and the parties' submissions. According to its established case-law, proof may follow from the coexistence of sufficiently strong, clear and concordant inferences or of similar unrebutted presumptions of fact (see, for example, *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, § 121, 10 January 2012). In cases regarding conditions of detention and medical assistance in detention the burden of proof may, under certain circumstances, be shifted to the authorities (see *Salman v. Turkey* [GC], no. 21986/93, § 100, ECHR 2000 VII, and *Mathew v. the Netherlands*, no. 24919/03, § 156, ECHR 2005 IX). Nevertheless, an applicant must submit an elaborate and consistent account of the State's alleged failure to provide him with the required medical assistance, mentioning the specific elements which would enable the Court to determine that the complaint is not manifestly ill-founded or inadmissible on any other grounds.

Having examined the materials submitted, including extensive medical evidence produced by the Government, the Court considers that the applicant received essential medical treatment in respect of his condition. The defects in the quality of medical care alleged by the applicant are either insignificant or not supported by sufficiently strong evidence. They cannot be accepted by the Court. The applicant's complaint under Article 3 of the Convention is therefore manifestly ill-founded.

The Court further reiterates that Article 13 requires domestic remedies only with regard to complaints arguable in terms of the Convention (see *Boyle and Rice v. the United Kingdom*, 27 April 1988, § 52, Series A no. 131). Since the Court has found above that the applicant's complaint about the quality of the medical treatment in detention is manifestly ill-founded, no issue under Article 13 of the Convention arises in his case.

In view of the above, the Court finds that these complaints are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 13 October 2022.

Viktoriya Maradudina Acting Deputy Registrar	Darian Pavli 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	Representative's name and location	Principal medical condition	Alleged shortcomings in medical treatment Dates
11649/17 30/01/2017	**Anatoliy Yevgenyevich KOZLOV** 1981	Aleksey Vladimirovich Pershin Moscow	Posttraumatic condition of thigh bone and hip joint	lack of inpatient treatment in a specialised hospital, or surgery 09/04/2013 to 01/08/2017 4 year(s) and 3 month(s) and 24 day(s)