



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

FIRST SECTION

Application no. 8552/10
Gocha GALOGRE
against Russia
lodged on 8 December 2009

STATEMENT OF FACTS

The applicant, Mr Gocha Galogre, is a Georgian national, who was born in 1965 and lives in Georgia. He is represented before the Court by Mr E.Mezak, a human rights activist living in Syktyvkar in the Komi Republic.

A. The circumstances of the case

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

The applicant arrived in Russia from Georgia in 1999. In 2001 he lost his passport.

1. Administrative removal proceedings

On 27 March 2009 the Ust-Kulomskiy District Court of the Komi Republic convicted the applicant of living in Russia without valid identity documents or residence registration, an offence under Article 18.8 of the Administrative Offences Code. It ordered the applicant's administrative removal to Georgia and his detention pending removal.

On 31 March and 6 April 2009 the police informed the local Interior Department that the applicant could not be administratively removed to Georgia because he did not have identity documents. It was therefore necessary to obtain identity documents for him.

On 24 April 2009 the police asked the Georgian Interests Section at the Embassy of Switzerland in Moscow to issue identity documents for the applicant.

On 20 July 2009 the police received the applicant's travel document for return to Georgia issued by the Georgian Interests Section.

On 27 July 2009 the applicant was administratively removed to Georgia.

2. Conditions of detention

On 27 March 2009 the applicant was placed in the detention centre for administratively arrested persons in Syktyvkar.

From 27 March to 11 April 2009 he was held alone in cell no. 4 which measured 12 sq. m. The window was blocked with a metal sheet. The walls were coated with so-called "shuba", a sort of abrasive concrete lining, designed to prevent detainees from leaning on the walls. The light was dim. No bed linen was provided.

From 12 April to 27 July 2009 the applicant was held in cell no. 6 which measured 12 sq. m and housed two or three inmates. The cell had no forced ventilation. It was not equipped with an emergency button. There was no curtains on the window and the applicant had difficulty sleeping because of the midnight twilight from the middle of May until the end of July. Moreover, he was waked up several times almost every night because new inmates were placed in neighbouring cells. They were often noisy.

Inmates had two meals per day. The food was insipid.

The cell was equipped with toilet facilities which were separated from the living area by a partition and a curtain.

When the weather was fine, inmates were allowed to go out in the internal yard. There was no vegetation in the yard. No was there any sport equipment. The outdoor exercise was short.

3. Judicial proceedings

The applicant complained before the Syktyvkar Town Court that his detention had been unlawful because the administrative removal proceedings had not been conducted with due diligence. In particular, he submitted that the police had not applied to the Georgian Interests Section for the applicant's identity documents until almost a month after his arrest. He further complained that the conditions of his detention had been inhuman.

On 23 December 2009 the Syktyvkar Town Court allowed his complaint in part. It found that the conditions of his detention in cell no. 4 had been degrading. As to the conditions of detention in cell no. 6, the court found that they had been satisfactory. In particular, it noted that inmates had been provided with bed linen, had had a one-hour daily outdoor exercise, had been allowed frequent visits from relatives, had been brought to shower two to four times a week and had been under supervision of a doctor. It further found that the applicant's detention had been lawful and that the administrative removal proceedings had been conducted diligently.

On 25 February 2010 the Supreme Court of the Komi Republic upheld the decision on appeal.

COMPLAINTS

1. The applicant complains under Article 3 of the Convention about the allegedly inhuman conditions of his detention.

2. The applicant complains under Article 5 § 1 of the Convention that the administrative removal proceedings were not conducted with due diligence.

QUESTIONS TO THE PARTIES

1. Were the conditions of the applicant's detention in the detention centre for administratively arrested persons in Syktyvkar compatible with Article 3 of the Convention? The Government are requested to comment on all aspects of the conditions of detention which the applicant complained of.

2. Was there a breach of Article 5 § 1 (f) of the Convention as regards the applicant's detention with a view to his administrative removal? Did the Russian authorities conduct the administrative removal proceedings with "due diligence"? In particular, was a one-month delay in requesting identity documents from the Georgian authorities justified?