



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

FIRST SECTION

Application no. 30916/06
Sergey Vasilyevich ANASHKIN
against Russia
lodged on 17 June 2006

STATEMENT OF FACTS

The applicant, Mr Sergey Vasilyevich Anashkin, is a Russian national, who was born in 1970 and lived until his arrest in St. Petersburg.

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

A. Criminal proceedings against the applicant

The applicant was arrested on 1 April 2000 on suspicion of organisation and participation in a criminal group, several counts of aggravated robbery, murder and theft of identification documents. His detention was extended on a number of occasions in view of the gravity of the charges against him.

On 22 April 2005 the Leningrad Regional Court, in a jury trial, found him guilty on all counts and sentenced him to twenty-four years' imprisonment. According to the applicant, after his arrest and until his conviction, save for periods when he was kept in prison hospitals, he was detained in severely overcrowded cells in extremely poor sanitary conditions.

On 8 June 2006 the Supreme Court of the Russian Federation upheld the conviction on appeal, having endorsed the Regional Court's reasoning.

B. The applicant's state of health

In September 2002 the applicant was transferred to medical detention facility no. US – 20/12 (hereinafter – the prison hospital) to undergo treatment in respect of his serious eye condition. According to the applicant, on admission to the hospital a number of tests were performed, including those to identify the presence of viral hepatitis. The tests did not reveal any signs of infection.

On 22 December 2003 the applicant was again sent to the prison hospital to treat his eye condition. A medical check performed on admission showed that the applicant suffered from hepatitis C and hypertension.

The applicant lodged a complaint with the St. Petersburg Prosecutor and the Service for Execution of Sentences in the Leningrad Region complaining about his having been infected with hepatitis in detention and asking to inquire into the cause of his illness. Both complaints were joined and forwarded to the acting head of the Service for Execution of Sentences in St. Petersburg and the Leningrad Region. The acting head sent a letter to the head of the detention facility where the applicant was kept at the time, informing him that the applicant had been diagnosed with hepatitis C during the routine testing on his admission to the prison hospital on 22 December 2003. While having acknowledged that it was a mandatory procedure to test patients on admission to penitentiary medical facilities for the presence of hepatitis C virus, the acting head of the Service insisted that there had been no evidence in the applicant's medical file that he had ever undergone such testing before 22 December 2003. Furthermore, having noted that the virus was usually transmitted through blood and, occasionally through sexual intercourse, the acting head stated that it was impossible to identify the cause of the applicant's infection.

The applicant argues that despite the discovery of the infection in 2003, a rapid deterioration of his health and his numerous complaints to domestic authorities, he has not yet been provided with any treatment against hepatitis.

C. Correspondence with the Court

According to the applicant, he did not receive a letter from the Court in response to his first letter of 17 June 2006. He was forced to ask the Court to provide him with a copy of that letter with attachments which had successfully reached him in November 2006.

COMPLAINTS

1. The applicant complained that his arrest and pre-trial detention had been unlawful, that he had been detained in appalling conditions until his conviction and that the trial court had disregarded his questions to the jury members and had failed to call unidentified defence witnesses.

2. The applicant complained that he had been infected with hepatitis C, that his health had seriously deteriorated in detention, that the authorities had failed to effectively inquire into the cause of the infection and that he did not benefit from adequate medical assistance in respect of that life-threatening virus.

3. The applicant finally complained under Article 8 of the Convention that the authorities had misplaced the Court's letter in 2006.

QUESTIONS

1. The Government are invited to submit a copy of the applicant's medical history and other relevant reports which describe the state of his health from the early months of his detention to the present day and include details of the applicant's testing on his admissions to the prison hospital during his pre-trial detention.
2. The Government are invited to inform the Court of the applicant's current state of health, including the state of advancement of his hepatitis C infection and the drugs being provided for it.
3. Do the Government bear responsibility under the Convention for the applicant's infection with hepatitis C?
4. Did the domestic authorities perform an effective inquiry into the cause of the applicant's infection with hepatitis C (see *Ismatullayev v. Russia* (dec.), no. 29687/09, 6 March 2012), as required by Article 3 of the Convention?
5. Irrespective of the answer to question 3 above, have the Government met their obligation to ensure that that applicant's health and well-being are being adequately secured by, among other things, providing him with the requisite medical assistance (see *McGlinchey and Others v. the United Kingdom*, no. 50390/99, § 46, ECHR 2003-V), as required by Article 3 of the Convention, in the present case?