



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

FIRST SECTION

Application no. 11303/12
Aleksandr Yuryevich NOVIKOV
against Russia
lodged on 17 February 2012

STATEMENT OF FACTS

The applicant, Mr Aleksandr Yuryevich Novikov, is a Russian national, who was born in 1978 and lived until his arrest in the town of Kemerovo, Kemerovo Region. He is serving his sentence in a medical penitentiary facility in Omsk.

The circumstances of the case

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

1. Conditions of detention

From 2 February 2010 to 15 December 2011 the applicant was detained in correctional colony no. 6 in the town of Omsk.

The applicant submitted that the conditions had been appalling. He stressed that he had been placed in a dormitory which measured twenty-five metres in length and fifteen metres in width and housed a hundred and seventy inmates. The dormitory was not equipped with a ventilation shaft. Inmates were allowed to smoke in the dormitory which, for a non-smoker such as the applicant, created an additional difficulty. A hundred and seventy inmates had to share a long sink with ten taps and a TV set. Frequent violent disputes arose over the TV set as too many inmates had too many preferences. A lavatory room was in another building and was shared by three divisions, that of the applicant comprising a hundred and seventy detainees and two other divisions with an accumulated number of a hundred and ninety-five inmates. Seven to ten inmates were only allowed to use the lavatory room at one time, therefore there was always a queue of inmates. Lavatory pans were not separated from each other with a partition, thus providing no privacy. In spring of 2011 the applicant was transferred to

division no. 8 which comprised a hundred and twenty-two inmates accommodated in the dormitory of twenty to eleven metres. The applicant provided a similar description of the remaining conditions of his detention in that dormitory. He pointed out that in division no. 8 he had to share a twelve-square metre lavatory room with more than three hundred inmates. The lavatory room had six lavatory pans and six urinals. The food was extremely poor and scarce. Furthermore, the applicant, who suffers from a number of illnesses of the digestive system, was in need of a special food regimen which was not provided.

On 15 September 2011 the applicant broached the veins with a razor. He was taken to the medical unit where, following a refusal by medical personnel to attend on him, inmates bandaged his wounds. The applicant stayed in the unit until 15 December 2011. He argued that the conditions of detention in the unit had been worse than those in the remaining part of the colony. He supported his submissions with colour photos showing an extremely crowded room with three two-tier bunks separated from each other by a small distance. According to the applicant, room no. 2 where he was detained measured 3.40 metres in length and 2.30 metres in width, had six sleeping places and housed six inmates. The applicant provided the Court with the names of his five co-detainees. There was no artificial ventilation and the applicant again suffered from the same problem of being a single non-smoking person in the room where all other patients could smoke. The inmates did not have daily walks. With no right to leave the room, they had to spend twenty-four hours in it.

On 30 September 2011 the applicant asked an inmate working in the medical unit to dispatch his two complaints to the Prosecutor General's office and to the Federal Service for Execution of Sentences. He described the conditions of his detention in the colony and its medical unit. However, two days later he was called to the office of the colony head where he discovered his two letters. The letters were in sealed envelopes. The head of the colony interrogating the applicant on the content of the letters. On the same day the applicant again broached the veins. His relatives, notified of the incident by the applicant's inmates, called to the Prosecutor General's office and asked to send a supervising prosecutor to colony no. 6 in Omsk due to massive human rights violations there.

On 2 October 2010 a deputy prosecutor of Omsk visited the colony and talked to the applicant. The latter described to a minor detail the hardships of his detention in the colony and offered the deputy prosecutor to visit the medical unit and, in particular, room no. 2. The deputy prosecutor refused, citing his tight schedule. He, however, accepted a written complaint from the applicant. On another visit to the colony, on 17 October 2011, the same deputy prosecutor again talked to the applicant, having asked him to amend his previous complaint. He did not visit the medical unit.

The applicant sent another complaint to the Omsk Regional prosecutor's office on 20 October 2011. His relatives also sent letters and called various officials in the Russian Federation. In the applicant's view, the deputy prosecutor's visits to the colony were the reaction to the relatives' complaints.

On 15 December 2011 the applicant was sent to medical penitentiary institution no. 2 in Omsk.

2. *Other grievances*

The applicant submitted that on his transfer to correctional colony no. 6 in Omsk colony warders had beat him up and had left him for twenty minutes standing on his knees on the snow. The beating had been prompted by the applicant's refusal to jump out of a prison van, as he had been afraid to injure his weak knees. The ill-treatment had allegedly continued in a quarantine cell when the applicant had refused to wash the floor. The applicant also complained about an extremely degrading procedure of admission to the colony, including a body search when inmates had been stripped naked and their personal belongings and warm clothes had either been damaged or seized. Following his arrival to the colony, the applicant had been detained for ten days in the quarantine cell in appalling conditions. He had had to wear a uniform, which had been unsuitable for the Russian winters. On a number of occasions he had been beaten up by warders and had been placed in a punishment cell for petty disciplinary offences.

COMPLAINTS

The applicant complained under Articles 3 and 13 of the Convention about the conditions of his detention in the correctional colony and its medical unit, numerous instances of ill-treatment by warders and lack of effective remedies against the alleged violations of his rights.

QUESTIONS TO THE PARTIES

1. The Government are requested to comment on all aspects of the conditions of detention which the applicant complained of in respect of correctional colony no. 6. In particular,

- (a) Was there a sufficient number of sleeping places in the dormitory?
- (b) Was the dormitory adequately ventilated?
- (c) Was there an adequate supply of drinking water?
- (d) Was the number of water taps and toilet pans sufficient to cater adequately to the sanitary needs of the detainees?
- (e) Were the sanitary facilities in a good state of repair?

The Government are requested to produce documentary evidence, including population registers, floor plans, day planning, colour photographs of the sanitary facilities, etc., as well as reports from supervising prosecutors concerning the conditions of detention in the colony.

1.1. Having regard to the above questions, were the conditions of the applicant's detention in the colony compatible with Article 3 of the Convention?

2. Was there a violation of Article 3 of the Convention on account of the applicant's conditions of detention in the medical unit of correctional colony no. 6? The Government are requested to comment on the specific grievances

raised by the applicant and support their submissions with documentary evidence.

3. Did the applicant have at his disposal an effective domestic remedy for the complaints under Article 3, as required by Article 13 of the Convention?