



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

FIRST SECTION

Application no. 5250/11
Dmitriy Aleksandrovich PYKHTUNOV
against Russia
lodged on 21 October 2010

STATEMENT OF FACTS

The applicant, Mr Dmitriy Aleksandrovich Pykhtunov, is a Russian national, who was born in 1974 and lived before his arrest in Krasnodar. He is serving his sentence in a correctional colony in the Krasnoyarsk Region.

The circumstances of the case

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

The applicant was sent to serve his sentence of six and a half years' imprisonment to correctional colony no. 43 in the village of Oktyabrskiy, Krasnoyarsk Region.

On 22 October 2010 the applicant was transferred to a special type punishment ward [*единое помещение камерного типа*] for twelve months. Relying on handwritten statements by five inmates, the applicant indicated that during that year he had been detained in a cell which had measured eight square metres and had housed four inmates. With the cell having no artificial ventilation system, detainees suffered from extreme heat during the summer. Metal tubes with wooden covers were installed in the middle of the cell to be used as seats by inmates. The wooden covers were usually heavily worn off with rusty nails sticking out of the covers making it very uncomfortable to sit. The cell did not have any other furniture, save for the bunks.

There was no hot water in the cell.

The food had no taste. It was scarce and of low quality.

Inmates were not allowed to have personal belongings in the punishment ward, including clothes, a toothpaste and toothbrush. They were given a uniform which was dirty, old and torn off. Inmates were also provided with

mattresses to sleep on. The mattresses were so old that they had no filling in the middle.

The applicant further submitted that on a number of occasions he had been severely beaten up by warders. However, he had not made any complaints having been afraid for his life. On a visit to a prosecutor who supervised the colony the applicant had explicitly refused to write a complaint against the warders.

The applicant also argued that inmates had been forced to work in the special type punishment ward, that they had to comply with a rather strict daily schedule, including a wake-up call at 5.00 a.m. and an order to go to bed at 9.00 p.m., that the administration of the punishment ward had seized his English books and that inmates had been taken in summer shoes for daily hour-long walks in a recreation yard in winter.

The applicant submitted that his and his inmates' complaints to various authorities, including the Boguchanskiy District prosecutor's office, had been futile.

COMPLAINTS

The applicant complained under Article 3 of the Convention that he had been ill-treated and subjected to inhuman conditions of detention in the special type punishment ward, under Article 4 that he had been forced to work, under Article 9 that the authorities of the special type punishment ward had forced inmates to write statements against their beliefs, and under Article 13 that his complaints to various officials had been to no avail.

QUESTIONS TO THE PARTIES

1. Was there a violation of Article 3 of the Convention on account of the applicant's conditions of detention in the special type punishment ward?

The Government are requested to comment on the specific grievances raised by the applicant and support their submissions with documentary evidence, including facility population registers (at least one full page per week of detention), floor plans, colour photographs of the sanitary facilities, etc., as well as reports from supervising prosecutors or regional ombudspersons concerning the conditions of detention in the special type punishment ward.

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