



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

FIRST SECTION

Application no. 7480/07
Dmitriy Yuryevich GUSHCHIN
against Russia
lodged on 25 January 2007

STATEMENT OF FACTS

The applicant, Mr Dmitriy Yuryevich Gushchin, is a Russian national, who was born in 1988 and lives in Perm. He is represented before the Court by Mr Z. Zhulanov, a lawyer practising in Perm.

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

At about 1 a.m. on 14 January 2006 the police officer from the Leninskiy district police station in Perm apprehended the applicant, a minor at that time, and his friend A. on suspicion of their involvement in a robbery. The officers twisted the applicant's arms, threw him on the floor and stepped on his wrists; as they were taking him out of the house, they struck his head against the doorpost.

The officers put the applicant into the police car to take him to the Industrialnyy district police station in Perm. While in the car, the officer K. punched and slapped the applicant in the face, grabbed his hair and pulled his head down to the knees, and verbally abused him.

On the way from the car to the station, K. struck the applicant against another police car. Then he took the applicant into an empty office and carried out a bodily search on him. He raised his arm as if he was about to hit the applicant but instead used his knee to deal him three blows in the groin. K. left the office and shortly thereafter the applicant was taken down to the provisional detention cell.

On seeing fresh injuries in the applicant's face, the officer-on-duty asked him if he had been beaten by the police and the applicant replied affirmatively.

Some time later the applicant was taken out of the cell and brought to another office where six police officers waited for him. One of them asked him whether he would "talk". The applicant replied that he did not know

what he should talk about. One of the arresting officers and K. punched and kicked the applicant in the chest and body. The applicant collapsed on the floor. K. sat on him and threatened to rape him if he did not confess. Fearing for his safety, the applicant agreed to sign a certain document which he did not read. Then he was returned to the cell.

Three hours later the applicant was released; no documents on his arrest and detention were compiled. The applicant went home on foot and arrived at 8.45 a.m. on 14 January 2006.

The applicant told his parents about the ill-treatment at the police station and on the same day he underwent a medical examination at the Trauma Unit of City Hospital no. 2. The doctor recorded bruises on his head, face, chest and both wrists. From 14 to 25 January 2006 the applicant received outpatient treatment for his injuries.

On the same day the applicant's mother filed a complaint about the ill-treatment which was forwarded for examination to the Industrialnyy district prosecutor's office in Perm.

On 1 February 2006 an investigator with the prosecutor's office issued a decision refusing institution of a criminal case. He had heard the applicant, his friends A., M. and O., the officers K., Zh., I., P., Ku., Lya., Lu. and Li. The arresting officers did not deny that they had used force against the applicant during the apprehension, allegedly to overcome his resistance. The officer-on-duty Li. confirmed that "a tall young man" had complained to him that he had been beaten by the police. A medical examination recorded haematomas on the applicant's face, wrists and chest. The investigator drew the following conclusion:

"The investigation considers that, by filing complaints about the ill-treatment, [the applicant and his friends A. and M.] deliberately attempted to denigrate the honour and dignity of the police officers and to evade responsibility for the crime [they had committed] characterised under Article 161 § 2 of the Criminal Code.

I consider that the use of force against [the applicant and A.] was lawful and justified and there are no grounds to open criminal proceedings against the police officers [on the charge of abusing power]."

The applicant unsuccessfully complained first to a higher prosecutor and then to a court of general jurisdiction. By decision of 21 June 2006, the Industrialnyy District Court of Perm rejected the complaint in a summary fashion, finding that the investigation had been "comprehensive". On 25 July 2006 the Perm Regional Court upheld that decision on appeal.

No criminal proceedings have been brought against the applicant.

COMPLAINTS

The applicant complains under Article 3 of the Convention about his ill-treatment by the police and an ineffective investigation into his complaints.

The applicant also complains under Article 5 of the Convention that he was not detained in accordance with the procedure prescribed by law.

QUESTIONS TO THE PARTIES

1. Did the police officers of the Industrialnyy police station in Perm subject the applicant to the treatment prohibited under Article 3 of the Convention?
2. Was the investigation into the applicant's allegations of ill-treatment effective, as required by Article 3 of the Convention?