



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

FIRST SECTION

Application no. 6024/07
Vyacheslav Vasilyevich PETSOV
against Russia
lodged on 15 January 2007

STATEMENT OF FACTS

The applicant, Mr Vyacheslav Vasilyevich Petsov, is a Russian national, who was born in 1959 and lives in Yelizorovo.

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

The applicant is an amputee, he is missing fingers on both hands, a part of the right foot and the entire left calf.

In 2006, the applicant and another individual stood trial on the charge of an attempted sale of drugs. On 30 August 2006 the Elizovskiy District Court of the Kamchatka Region found them guilty as charged and sentenced the applicant to seven years' imprisonment in a strict-security correctional colony. With regard to the applicant's disability, the District Court noted as follows:

"A medical examination of [the applicant] with a view to determining whether he could be released from punishment has not been carried out and he has not provided a relevant medical report; accordingly, the court will not decide whether he could be released from punishment on account of a disability."

In his statement of appeal, the applicant complained, among other matter, about the District Court's failure to appoint a medical examination.

On 10 October 2006 the Kamchatka Regional Court upheld the judgment on appeal, rejecting the applicant's arguments in a summary fashion.

COMPLAINTS

The applicant complains under Articles 3 and 13 of the Convention that, by failing to take into account his physical condition and sentencing him to

seven years' imprisonment in a non-adapted environment, the Russian courts subjected him to degrading punishment.

QUESTIONS TO THE PARTIES

1. The Government are requested to indicate whether the applicant is still detained or whether he was released.

2. As the applicant's disability was obvious to the judges who could see him in the courtroom, were they under an obligation to appoint a medical examination?

3. Did the applicant have an "arguable claim" that because of his amputations, his detention in a strict-security colony would amount to inhuman or degrading punishment in breach of Article 3 of the Convention? Assuming that he had an "arguable claim" of inhuman or degrading punishment, did the domestic courts discharge the positive obligation to examine whether or not such punishment would be inflicted on the applicant?