



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

29 August 2012

FIRST SECTION

Application no. 15010/11
Radik Aleksandrovich PUZYREV
against Russia
lodged on 7 February 2011

STATEMENT OF FACTS

The applicant, Mr Radik Aleksandrovich Puzyrev, is a Russian national, who was born in 1974 and lives in Menzelinsk, Republic of Tatarstan. He is represented before the Court by Mr I. N. Sholokhov, a lawyer practising in Kazan.

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

A. The applicant's ill-treatment by the Chief of the Tukayevskiy District Police Office

The applicant worked and lived at a production site near the village of Biyurgan of the Tukayevskiy district of the Republic of Tatarstan.

Following complaints from the village residents about burning of waste at the production site, on 12 May 2008 at about 11 a.m. several policemen arrived at the site. They were headed by R. S., the Chief of the Tukayevskiy District Police Department ("OVD") in the rank of colonel at the material time. R. S. began shouting obscenities at the labourers, made them stand in a rank by a trailer and instructed his subordinates to take their fingerprints and interview them in respect of the subject of the complaints. He also hit a few labourers and ordered them to leave the site.

At about 18.00 or 19.00 of the same day inebriated R. S. and his driver returned to the site. R. S. behaved in a similar manner. Having entered one of the trailers where the applicant was sitting on a bed, R. S. punched him

twice in the face. When the applicant bent over to pick up something, S. kicked him. Afterwards S. made the labourers stand in a rank by a trailer, screamed that he would shoot them and demanded that his driver hand him a machine gun. The applicant was very scared and inadvertently urinated.

It turned out that there was no machine gun in the car. Then the applicant escaped of the site with other labourers and went to a hospital where they received medical care.

B. Criminal and compensation proceedings against the police officer

On 16 July 2008 the investigator A. A. of the Naberezhniye Chelny Interdistrict Department of the Investigation Committee instituted criminal proceedings against R. S. for misuse of authority.

On 31 October 2008 the investigator granted the request by the applicant's lawyer that the threat of murder be included as a separate charge against R. S.

On 15 November 2008 the investigator discontinued the criminal proceedings finding no criminal offence in R. S.'s acts.

On 9 February 2009 the Naberezhniye Chelny City Court found the later decision unlawful.

Following a request made on 10 June 2009 by the Prosecutor's Office of the Republic of Tatarstan, the decision of 15 November 2008 was quashed by the Deputy Head of the Investigation Directorate of the Republic on 23 June 2009.

On 24 July 2009 the investigator A. A. brought charges against R. S. including a threat of murder in respect of the applicant, who was recognised as a victim. However, despite the applicant's request, R. S.'s threat of murder was not included as a separate charge either in the version of the bill of indictment issued on 31 July 2009 by the investigator or in the final version of the bill of indictment upheld on 30 October 2009 by the Prosecutor of Naberezhniye Chelny.

By a judgment of 3 March 2010 the Tukayevskiy District Court convicted R. S. of misuse of authority and sentenced him conditionally to three years' imprisonment and two years' ban on holding posts in the local and federal government service, with a probation period of one year.

On 28 April 2010 the applicant sued the Ministry of Finance for damages sustained as a result of ill-treatment by police. He claimed RUB 266,008 in compensation for non-pecuniary damage, relying in particular on Article 3 of the Convention and the Court's case-law.

On 6 July 2010 the Vakhitovskiy District Court of Kazan partially granted the applicant's claim and awarded him 5,000 Russian roubles as compensation for non-pecuniary damage.

The applicant appealed against the judgment, challenging specifically the low amount of compensation as inconsistent with the Court's case-law in similar cases.

On 12 August 2010 the Supreme Court of the Republic of Tatarstan dismissed the appeal, considering that the amount awarded was proportionate to the damage sustained and that any increase would be at odds with the principle of reasonableness.

On 16 September 2010 the Tukayevskiy District Court cancelled R. S.'s conviction and struck it off his criminal record in view of the convict's good behaviour. By that time, R. S. had already retired from service through an ordinary procedure and received a pension for his service in accordance with the order of the Ministry of Internal Affairs of 28 May 2009.

COMPLAINTS

The applicant complains under Article 3 of the Convention about having been beaten up by the policeman and of the authorities' failure to indict S. for his threat of murder.

He also complains under Article 13 that the compensation he received in respect of non-pecuniary damage was insufficient to redress the infringement of his rights and thus to deprive him of the victim status.

QUESTIONS TO THE PARTIES

1. With regard to the events of 12 May 2008, was the applicant subjected to torture, inhuman or degrading treatment or punishment by police, in breach of Article 3 of the Convention?

2. Can the applicant still claim to be a victim of the alleged violation under Article 3 of the Convention (*Amuur v. France*, 25 June 1996, § 36, *Reports of Judgments and Decisions* 1996-III)? In particular:

(a) Was the violation of Article 3 on account of ill-treatment of the applicant duly acknowledged by the authorities, having regard to the qualification of charges brought against the responsible police officer and the ensuing judgment of 3 March 2010 which convicted him of misuse of authority?

(b) Did the applicant receive adequate redress in respect of the alleged violation of Article 3 of the Convention in view of:

(i) the apparent absence of effective disciplinary sanctions against the responsible police officer and the suspended prison sentence decided by the court on 3 March 2010, which was furthermore cancelled by the same court six months later (see *Nikolova and Velichkova v. Bulgaria*, no. 7888/03, §§ 63-64, 20 December 2007), and

(ii) the amount of money awarded to the applicant in compensation for damages arising of ill-treatment?