



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

FIRST SECTION

Application no. 39560/08
Sergey Sergeyevich DOLININ
against Russia
lodged on 21 June 2008

STATEMENT OF FACTS

The applicant, Mr Sergey Sergeyevich Dolinin, is a Russian national, who was born in 1979 and lives in Kimry, a town in Tver region.

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

A. Conditions of detention in a temporary detention facility (IVS)

During several periods between 9 June 2006 and at least 15 November 2008 the applicant was held in IVS Kimry (Tver region) in cell no. 4.

The conditions of his detention in that facility were characterised by the following elements: (i) overcrowding – less than 2, 2 square metres of living space per detainee (ii) insufficient number of sleeping places - eight to ten detainees on six sleeping places (iii) wooden boards instead of beds and no bed linen (iv) no window and poor lighting (v) no ventilation (vi) no outdoor exercise; (vii) no shower (viii) no toilet (ix) no tabel (x) one meal per day (xi) insects in the cell (xii) detention of detainees suffering from infectious diseases together with other detainees.

The applicant unsuccessfully complained about the conditions of detention in IVS to the head of that facility and various domestic authorities (ombudsman of Tver region and the prosecutor's office).

The applicant alleges that he did not receive medical treatment in IVS.

B. Ill-treatment by police

On 2 April 2008 a search was conducted in IVS Kimry. A special forces' squadron (OMON) had been brought in for this purpose. Masked officers from OMON had severely beaten the applicant with rubber truncheons and electric shock batons.

On 3 April 2008 the applicant was examined by a doctor who recorded numerous bruises on his face and body (forensic medical examination report no. 248 of 3 April 2008).

On the same date the applicant and twenty-nine other detainees of IVS lodged a complaint with the prosecutor's office about the beatings by OMON during the search on 2 April 2008.

On 12 May 2008 an investigator with the prosecutor's office refused to initiate criminal proceedings. He heard the applicant and four other detainees, examined medical certificates issued in respect of the concerned detainees and reports submitted by the head of IVS, the officer who had been on duty in IVS on 2 April 2008 and the head of a relevant department of the interior.

The head of IVS submitted that on 2 April 2008 OMON forces arrived to IVS in order to withdraw forbidden items from the cells. Detainees refused to leave their cells and expressed threats towards the policemen. The physical force was applied to them in order to stop their unlawful behaviour.

The investigator came to the conclusion that the search had been carried out in accordance with law, that the detainees' allegations about unjustified use of force to them were unsubstantiated and therefore there were no grounds to open criminal proceedings in respect of police officers on charges of abuse of power.

Thereafter the applicant's request to initiate criminal proceedings was repeatedly rejected and re-examined. The respective decisions to reject the request were taken on 10 July and 27 October 2008, 11 and 26 January, 5 June and 26 August 2009. Each time, the decision was later quashed.

By a final decision of 17 March 2009 the Tver Regional Court dismissed the applicant's complaint against the refusal to initiate criminal proceedings of 11 January 2009.

By a final decision of 21 April 2009 the Regional Court refused to examine the applicant's complaint against the decision of 26 January 2009 on the grounds that the decision in question had been quashed on 2 February 2009.

COMPLAINTS

The applicant complained under Article 3 of the Convention that the conditions of his detention in IVS Kimry had been inhuman and degrading and he had not have effective domestic remedies in that respect.

He complained under Article 3 that he had not been provided with medical assistance in IVS Kimry.

He complained under Article 3 that on 2 April 2008 he had been beaten up by police officers and that no effective investigation had been carried out in that respect.

QUESTIONS TO THE PARTIES

1. Were the conditions of the applicant's detention in a temporary detention facility (IVS) of Kimry, Tver region, in breach of Article 3 of the Convention?

The Government are requested to indicate the exact dates of the applicant's stay in the above-mentioned detention facility and the cells in which he was detained. They are also requested to comment on all aspects of the conditions of detention, as outlined by the applicant.

2. Did the applicant have at his disposal an effective domestic remedy for his complaint about the conditions of his detention in IVS Kimry, Tver region, as required by Article 13 of the Convention?

3. Was the applicant subjected to torture or to inhuman or degrading treatment, in breach of Article 3 of the Convention, on 2 April 2008?

4. Having regard to the procedural protection from torture and inhuman or degrading treatment, was the investigation by the domestic authorities in the present case in breach of Article 3 of the Convention?

The Government are required to provide copies of the following documents:

- the forensic medical examination report no. 248 of 3 April 2008
- copies of the complaints lodged by the applicant to domestic courts about refusals to open criminal proceedings in respect of the events of 2 April 2008 and the court decisions taken on those complaints.