



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

FIRST SECTION

Application no. 56156/08
Igor Aleksandrovich MAKEYEV
against Russia
lodged on 27 September 2008

STATEMENT OF FACTS

THE FACTS

The applicant, Mr Igor Aleksandrovich Makeyev, is a Russian national, who was born in 1962 and lives in Kaliningrad.

From 22 February 2007 to 27 April 2009 the applicant was detained pending investigation and trial in a criminal case concerning embezzlement. He was held in the pre-trial detention facility IZ-39/1 (*ФГУ ИЗ-39/1 УФСИН России*) in the conditions that he describes as appalling, claiming, in particular, that the six square metres cell was overcrowded and stuffy.

In the period between 13 February 2008 and 3 September 2008 the Leningradskiy District Court of Kaliningrad conducted hearings in the applicant's criminal case. During that period the applicant was brought to the courtroom on 91 occasions (the dates are listed in his complaint) and there he was placed in a convoy room measuring two square metres, lacking ventilation, too cold in winter and stiflingly hot in the summer.

On 24 July 2008 the Leningradskiy District Court of Kaliningrad barred the applicant's counsel from representing the applicant on the grounds of a conflict of interest, because he was also representing the applicant's co-accused.

The applicant filed a number of complaints concerning the conditions of his detention, unsuccessfully. On 18 November 2008 he sued the Ministry of the Interior for non-pecuniary damages on account of the inhuman conditions of detention in the court convoy room. He claimed that he had endured sufferings and that his health had deteriorated as a result of frequent detention there. On 23 March 2009 the Tsentralnyy District Court of Kaliningrad dismissed his claims as unsubstantiated. It found that the conditions in the court convoy room had not complied with the standards,

but no link was found between this fact and the alleged damage to the applicant's health.

On 13 May 2009 the Kaliningrad Regional Court upheld the judgment of 23 March 2009.

COMPLAINTS

The applicant complains under Article 3 of the Convention about the appalling conditions in the detention facility IZ-39/1 and in the convoy room of the Leningradskiy District Court of Kaliningrad.

He also relies on Article 5 § 3 of the Convention claiming that his pre-trial detention had been excessively long.

Finally, he complains under Article 6 § 3 (c) about the alleged violation of his right to defend himself through the legal assistance of his choice.

QUESTIONS TO THE PARTIES

1. Were the conditions of the applicant's detention in the detention facility IZ-39/1 in breach of Article 3 of the Convention?

2. Were the conditions of the applicant's detention in the convoy room of the Leningradskiy District Court of Kaliningrad in breach of Article 3 of the Convention?