



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

FIRST SECTION

Application no. 58741/09
Nail Bastamovich KHUBBATULLIN
against Russia
lodged on 18 October 2009

STATEMENT OF FACTS

The applicant, Mr Nail Bastamovich Khubbatullin, is a Russian national, who was born in 1968 and lives in Naberezhniye Chelny. He is represented before the Court by Mr S. Polufakin, a lawyer practising in Naberezhniye Chelny.

The circumstances of the case

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

1. The applicant's detention in the IVS in Naberezhniye Chelny

On 16 February 2008 the applicant was arrested on the suspicion of membership in an organised criminal group. On the same date he was placed in the temporary detention centre (the IVS) of the Department of the Interior in Naberezhniye Chelny (the UVD), Tatarstan. The applicant was detained in cells no. 1, no. 22 and no. 1.1 (in the basement).

Each of the cells measured about 20 sq.m. and detained on average between 8 and 22 inmates. Due to the overcrowding the applicant had to take turns to sleep. He did not have his own bed. The cells were infested with parasites and rodents. No natural light was available; the only window was covered with a thick metal cage and faced a cement wall. The ventilation was out of order; the ceiling was dripping with muddy water and the toilet was not separate from the rest of the cell. The applicant was not taken to walks; the food was given to the detainees once a day and was inedible.

On 4 April 2008 the applicant was transferred from the IVD to SIZO-4.

2. *The applicant's detention on remand in SIZO-4 in Menzelinsk*

Between 4 April 2008 and 16 February 2009 the applicant was detained in SIZO-4 in Menzelinsk. According to the applicant, the conditions of his detention in SIZO-4 were somewhat similar to those in the IVS in Naberezhniye Chelny. In addition, he was taken to walks for only 40-50 minutes a day. Before the walk he was handcuffed and dogs were set on him. Sometimes the applicant had to choose between a walk and a shower.

The applicant was not provided with adequate medical assistance for the chronic condition of his right leg. The food given to the detainees was of poor quality; the breakfast was served between 3.30 a.m. and 4 a.m.

Between 16 February 2009 and 10 March 2010 the applicant was detained in another remand prison. On 11 March 2010 he was released from detention under the undertaking not to leave town.

COMPLAINTS

The applicant complains under Article 3 of the Convention of inadequate conditions of his detention on remand between 16 February 2008 and 16 February 2009. Under the same provision the applicant alleges that he was deprived of adequate medical assistance. He also complains of unfairness of the proceedings concerning his release pending trial.

QUESTIONS TO THE PARTIES

As regards the applicant's detention in the IVS in Naberezhniye Chelny and in SIZO-4 in Menzelinsk, in respect of *each and every cell* where the applicant was detained, the Government are requested to submit copies of the relevant entries in the detainees' registration logs.

a) How long did the applicant stay in each cell? What are the dimensions of the cells where the applicant was detained? How many persons were detained in each of these cells simultaneously with the applicant and for how long?

b) Were the cells where the applicant was detained infested with insects and parasites? Did the authorities of the detention centres disinfect the cells?

c) Is it true that the applicant was allowed to take walks only for 40-50 minutes per day or to choose between taking a walk or taking a shower?

d) How often could the applicant have a bath or shower?

e) Did the applicant have a separate bed and appropriate bedding?

f) How many times a day was food served to the detainees and at what hours? Was the quality of food compatible with the relevant standards?

g) Were the conditions of the applicant's detention in each cell compatible with Article 3 of the Convention?