



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

FIRST SECTION

Application no. 40384/06
Nikolay Yevgenyevich DEVYATKIN against Russia
and 6 other applications
(see list appended)

STATEMENT OF FACTS

The applicants are Russian nationals. The facts of the cases, as submitted by the applicants, may be summarised as follows.

1. Application no. 40384/06 lodged on 29 August 2006 by Nikolay Evgenyevich DEVYATKIN who was born on 30 November 1986 and lives in Krasnodar.

1. Alleged ill-treatment by Adygeya Krasnogvardeyskiy district police officers

(a) Events of 4 November 2003

On 4 November 2003 at about 3 p.m. the applicant, who was 16 years' old, was at petrol station no. 2 in the village of BolsheSIDOROVSKOYE, Adygeya, together with his younger brother. They were going to buy a can of petrol and take their broken motorcycle to a friend who promised to repair it. Police officers MM Kh. and Ch. from the Adygeya Republic Krasnogvardeyskiy district police department (*Красногвардейский РОВД Республики Адыгея*), whom the children knew for their unjust behaviour towards their family, approached them and inquired about their motorcycle. Following the children's refusal to push the motorcycle with Ch. sitting on it the police officers insulted them, using obscene language. They grabbed the applicant's brother and pushed him into their car. Police officer Kh. then seized the applicant by his neck, knocked him down and started strangling him. He hit the applicant's head several times against the ground, dragged the applicant to the car without releasing his neck, hit his head against the car, punched him in his face and pushed him into the car. The police officers then drove to a garage of a local collective farm taking the motorcycle with them. The applicant's and his brother's requests to take them home or

inform their parents were ignored. The police officers left the motorcycle in the garage, discussed something with people there and then drove to the local administration, where the worried parents found their children. They took them home and then to hospital.

(b) Administrative proceedings against the applicant's father

On the same day police officer Ch. drew an administrative offence record stating that the applicant's father had committed an administrative offence punishable by Article 5.35 of the Code of Administrative Offences, notably that he had failed in his parent's duty in that his minor son – the applicant – had used obscene language in a public place, the petrol station in Bolshesidorovskoye.

On 25 December 2003 the Minors Committee of the Krasnogvardeyskiy district administration found the applicant's father guilty of the administrative offence and sentenced him to a 100-ruble fine. The applicant's father appealed against that decision to the Krasnogvardeyskiy District Court which examined the case on 5 January 2004. It noted that the police administrative offence record, the Committee's decision and other materials before it lacked any evidence of the applicant's father's failure to properly raise the applicant. The District Court established that, on the contrary, all his children were well cared for, had studied well at school, were now continuing their education at colleges, and that the family was characterised positively. The District Court quashed the Committee's decision and terminated the administrative proceedings against the applicant's father.

(c) The applicant's injuries

Immediately after his release the applicant was examined by a surgeon at the Krasnogvardeyskiy district hospital. He had abrasions on his neck and contusion of his right elbow.

Next day, on 5 November 2003, he was examined by a forensic medical expert at the Adygeya Republic Forensic Medical Bureau. According to the expert's report no. 2011, the applicant had a haemorrhage on his lower lip, abrasions on his neck of 12 to 0.3 and 7 to 0.3 centimetres which could have been caused by fingernails, and contusion of his right elbow. All injuries could have been inflicted on the previous day

Report no. 2011 was amended by the expert on 2 December 2003 to take account of the results of the applicant's additional medical examination on 6 November 2003 including his X-ray examination. The applicant had the lingual bone fracture, swelling and abrasions on his neck which could have been caused by fingertips. All his injuries, including also bruises and swellings of both lips, swelling in the left eyebrow area and contusion of his right elbow, could have been inflicted on 4 November 2003 and were classified as minor damage to health under the criterion of a short-term - not exceeding three weeks - health disorder.

2. Adygeya authorities' response to the complaint of police ill-treatment

(a) Krasnogvardeyskiy district prosecutor's refusal to prosecute annulled six times

On 4 November 2003 the applicant's mother complained about the applicant's beatings by the police officers to the Krasnogvardeyskiy district prosecutor's office (*прокуратура Красногвардейского района*) which carried out a pre-investigation inquiry under Article 144 of the Code of Criminal Procedure (CCrP) and on 13 November 2003 decided not to initiate criminal proceedings. That decision, as well as five more similar decisions that followed, were annulled on the applicant's mother's appeals by the Adygeya Republic prosecutor's office, once as a result of an intervention from the Prosecutor General's Office of the Russian Federation (as stated in a letter to the applicant's mother of 10 October 2005).

(b) Last refusal to prosecute of 29 November 2005

In the last such decision taken on 29 November 2005 investigator O. of the Krasnogvardeyskiy district prosecutor's office stated as follows. The applicant's injuries had been inflicted as a result of the use of force by police officers Kh. and Ch. at the time of the applicant's apprehension since he had disobeyed their requests to produce a motorcycle driving licence and tried to escape. The allegations of the police officers' abuse of power, punishable under Article 286 § 1 of the Criminal Code, had not been confirmed. Infliction of minor damage to health punishable under Article 115 of the Criminal Code required intent which was lacking in the police officers' acts. The investigator concluded that no criminal proceedings should be brought in view of the absence of *corpus delicti* in the police officers' acts, as provided by Article 24 § 1 (2) of CCrP.

(c) Adygeya courts' refusal to examine the applicant's appeal

(i) Krasnogvardeyskiy District Court

On 23 September 2005 the applicant's mother lodged an application with the Krasnogvardeyskiy District Court of Adygeya. She complained about the applicant's beatings by the police officers on 4 November 2003 and the refusal of the prosecutor's office to bring criminal proceedings against them.

Judge S. of the District Court first considered that the application was aimed at declaring the police officers' acts unlawful in a procedure regulated by the Code of Civil Procedure and requested that certain procedural requirements be fulfilled. Following the applicant's mother's disagreement the judge terminated the civil proceedings (decision of 7 December 2005) and on 16 December 2005 examined the application by way of review under Article 125 of CCrP. The judge fully endorsed the conclusions reached by the investigator in the decision of 29 November 2005 stating, in particular, that police officers Kh. and Ch. had lawfully used their powers in respect of the applicant and his brother who had breached public order. Judge S. dismissed the application.

The applicant's mother appealed against the first-instance court's decision. On 31 January 2006 the Adygeya Republic Supreme Court examined the case on appeal. It noted that the applicant, who by that moment had attained the age of majority, had not authorised his mother to represent him in the court proceedings. The District Court should have examined the lawfulness and reasonableness of the investigator's decision of 29 November 2005 instead of examining the lawfulness of the police officers' behaviour. The Supreme Court quashed the decision and remitted the case for a fresh examination.

On 8 February 2006 judge S. of the District Court citing the Supreme Court's ruling noted the lack of the applicant's authorisation for his mother to represent him and held that the application challenging the lawfulness of the police officers' behaviour was not subject to appeal by way of Article 125 review.

(ii) Adygeya Supreme Court

On 21 March 2006 the Adygeya Republic Supreme Court upheld the District Court's decision fully endorsing its reasoning.

COMPLAINTS

The applicant complains that he had endured severe physical and moral sufferings as a result of the deliberate actions of police officers Kh. and Ch. of the Adygeya Republic Krasnogvardeyskiy ROVD and that the Adygeya Republic prosecutor's office and courts had failed to ensure proper investigation into his complaints. He relies on Articles 5, 6, 7 and 13 of the Convention.

2. Application no. 45044/06 lodged on 11 August 2006 by Aleksandr Vladimirovich KSENZ who was born on 9 November 1986 and lives in Pskov.

1. Alleged ill-treatment by Pskov police officers

(a) The applicant's apprehension

On 17 August 2005 at about 2 a.m. a car with the applicant, who was 18 years' old, and three other young people was stopped by a police patrol car. Two police officers of the Pskov police department MM K. and F. asked for identification papers. As the applicant had no passport on him he was taken to a police station. He did not resist.

(b) Events at the Pskov Zavelichenskiy police department

At the police station of the Pskov Zavelichenskiy police department (*Завеличенский отдел милиции УВД г. Пскова*) the applicant was requested to stand facing the wall in a part of a corridor with no light, and to lift his hands. Police officers K. and F. searched him. They insulted him using obscene words, punched him in his face and in the kidneys' area and tried to knock him down. Then they took him to the Pskov narcological unit to undergo an alcohol test. When coming out of the police station they were approached by the applicant's friends and his brother who saw that the applicant was depressed, his sweater was dirty and that the bridge of his nose was red.

At 2:56 a.m. tests were carried out by a doctor at the narcological unit who established that the applicant had consumed alcohol but had revealed no signs of inebriation. Though the doctor did not examine his body and did not see him without clothing, when filling in a standard pre-printed form for alcohol tests he noted that the applicant had no injuries and, in another section, that he had "hyperemia of the face". The applicant was not shown the form and did not sign it.

After the tests the applicant was taken back to the police station. He was questioned and requested to sign a document in which a police officer had written that the applicant had been taken to the police station because he had used obscene language.

The applicant learned later that police officer K. had requested on 17 August 2005 to bring criminal proceedings against him because he had allegedly insulted K. with obscene words. After a pre-investigation inquiry the Pskov police department decided on 24 August 2005 not to institute criminal proceedings as the fact that the applicant had used obscene language had not been confirmed. That decision was approved by the Pskov prosecutor's office and was not appealed against by the policeman.

The applicant was released at about 5 a.m. on 17 August 2005. His friends and his brother met him when he came out of the police station.

(c) The applicant's injuries

On the same day at 10 a.m. the applicant underwent medical examination at the Pskov Regional Forensic Medical Bureau. He had an abrasion on his

nose and bruises on his right cheekbone, left hand and the left side of his lumbar region. The expert concluded that it was possible that the injuries had been caused on 17 August 2008 by hard blunt objects, for example fists and legs.

2. *Pskov authorities' response to the complaint of police ill-treatment*

(a) **Pskov town prosecutor's refusal to prosecute annulled twice**

On 22 August 2005 the applicant lodged an application with the Pskov town prosecutor's office (*прокуратура г. Пскова*) complaining of the police officers' behaviour. No reaction followed.

On 19 November 2005, after his enquiry about the results of the examination of his application, he was informed that on 7 October 2005 it had been decided not to initiate criminal proceedings as a result of a pre-investigation inquiry carried out under Article 144 of the Code of Criminal Procedure (CCrP).

The applicant's appeal to the Pskov Town Court under Article 125 of CCrP against the investigator's decision of 7 October 2005 was not examined on the ground that the disputed decision had meanwhile been annulled by the prosecutor's office which ordered an additional pre-investigation inquiry, of which the applicant learned at the hearing.

On 2 December 2005 the Pskov town prosecutor's office again refused to initiate criminal proceedings. The applicant's appeal under Article 125 of the Code of Criminal Procedure against that decision was likewise not examined by the Pskov Town Court for the same reason as before.

(b) **Refusal to prosecute upheld by courts**

(i) *Pskov town prosecutor*

On 23 December 2005 another decision not to bring criminal proceedings was issued in which the Pskov town prosecutor's office found, on the basis of the police officers' statements, that the applicant had orally insulted the police officers using obscene words when passing by the police patrol car. He had not complained of any injuries when undergoing the alcohol test and no injuries were noted in the test results form. The investigator concluded that the applicant's allegations of his beatings by the police officers were unsupported by any objective evidence and that no criminal proceedings should be brought in view of the absence of *corpus delicti* in the actions of the police officers, as provided by Article 24 § 1 (2) of CCrP.

(ii) *Pskov Town Court*

The applicant's appeal against the investigator's decision of 23 December 2005 was examined by way of review under Article 125 of CCrP by Judge Zh. of the Pskov Town Court on 31 January 2006. The Judge considered that there was no evidence of the applicant's beatings at the police station, that his injuries could have been received in "other circumstances" and rejected the appeal.

(iii) Pskov Regional Court

The applicant's appeal against the Town Court's decision was rejected by the Pskov Regional Court on 22 March 2006 with a brief reasoning that there were no eyewitnesses to the alleged beatings, that no injuries had been recorded at the narcological unit and that the applicant's injuries could have been caused in "other circumstances" after his examination at the narcological unit.

COMPLAINTS

The applicant complains under Article 3 of the Convention that he had been subjected to degrading treatment by police officers K. and F. at the Pskov Zavelichenskiy police department.

He complains under Article 5 of the Convention about his detention, in particular, that no records of his detention had been prepared by the police.

He further complains relying on Articles 6 and 13 of the Convention that no proper investigation into his complaints was carried out and that he was not informed of the police decision of 24 August 2005 and thus deprived of the right to participate in those proceedings.

3. Application no. 18796/08 lodged on 21 December 2007 by Ruslan Anatolyevich LEBEDEV who was born on 20 August 1987 and lives in Novyy Toryal, Mariy El Republic, represented by Committee Against Torture, a non-governmental organisation based in Nizhniy Novgorod.

1. Alleged ill-treatment by Mariy El Novyy Toryal police officers

(a) The applicant's apprehension

On 31 March 2007 between 1 and 2 a.m. the applicant, who was 19 years' old, was going home to the settlement of Novyy Toryal in a car with four other young men after a discotheque. Their car, which had no registration plate, was spotted and followed by a police car. When they stopped they were approached by five police officers, who, despite the fact that no one of them showed resistance, pushed them to the ground, handcuffed, punched and kicked them. One of them had run away. The others were taken to a police station in Novyy Toryal in a police car.

(b) Events at the Mariy El Novyy Toryal police department

At the police station of the Mariy El Republic Novyy Toryal district police department (*отдел внутренних дел по Новоторъяльскому району Республики Марий Эл*) they were requested to stand facing the wall in a corridor for about an hour and a half during which the beatings continued. Police officers MM S., M. and O., whose names the applicant knew as they resided in the same settlement, punched and kicked him many times on all parts of his body. He was taken to an office for questioning about the identity of the car driver and was requested to confess that he had stolen the car. He said that he did not know the driver and refused to confess. M. pulled him down to the floor by his hair, kicked him in his face, head and all body and then stepped on his face. O. and S. also kicked him. This lasted for about 15-20 minutes. After the questioning they released him. His mother called an ambulance and he and the other three young men were taken to hospital.

(c) The applicant's injuries

The applicant was diagnosed with closed craniocerebral injury, brain contusion, haematomas on the back of the head and temples, right ear contusion, multiple abrasions on his neck, back, shoulder and torso, and contusion in the lumbar region. He was immediately hospitalised and stayed in hospital for in-patient treatment until 22 April 2007. He had, *inter alia*, a brain concussion, traumatic perforation of right eardrum and multiple abrasions and bruises, as described above.

2. *Mariy El authorities' response to the complaint of police ill-treatment*

(a) **Mariy El Novyy Toryal prosecutor's refusal to prosecute annulled three times**

On 31 March 2007 the applicant's mother complained to the Novyy Toryal police department about the applicant's ill-treatment. She stated that he had medically attested injuries. Her application was transferred to the Novyy Toryal district prosecutor's office.

On 10 April 2007, after a pre-investigation inquiry under Article 144 of the Code of Criminal Procedure (CCrP), the Novyy Toryal district prosecutor's office (*прокуратура Новоторъяльского района Республики Марий Эл*) decided not to initiate criminal proceedings. That decision was annulled by the same prosecutor's office and an additional pre-investigation inquiry was ordered. A similar decision was taken on 20 April 2007 and again annulled four days later. The applicant's mother was not informed of any of the above decisions.

On 29 April 2007 the district prosecutor's office issued a new decision refusing to open a criminal case and the applicant's mother appealed against that refusal to the Novyy Toryal District Court under Article 125 of CCrP. On 23 July 2007 the District Court informed her that her appeal would not be examined since on 8 June 2007 a deputy prosecutor of Mariy El had annulled the district prosecutor's decision and ordered an additional pre-investigation inquiry.

(b) **Refusal to prosecute upheld by courts**

(i) *Novyy Toryal district prosecutor*

Then followed another decision of 22 June 2007 in which the district prosecutor's office investigator found, *inter alia*, that the statements by the applicant and the other four young people, including the one who had fled the scene, about the events immediately before and after their apprehension were contradictory. Thus, three of them had stated that it was the applicant who had been driving the car, that he had not stopped when requested to do so by a traffic police officer and that instead he had accelerated the car and tried to escape. According to one of the teenagers, the applicant had not been beaten up in the corridor, but he heard the applicant shouting out in pain when he had been in an office with police officers. It follows from the investigator's decision that all three persons who had been apprehended together with the applicant had stated that they had received blows and kicks from the police officers during their apprehension and also at the police station. As to explanations received from police officers M., S. and four others who participated in the events in question, they had stated that physical force had been applied strictly in accordance with the Militia Act and other regulations for the apprehension of the four young men who, being in a state of inebriation, had behaved aggressively. Police officer O. had denied that any physical force had been applied. Three other police officers, who were present at the police station, had stated that they had not seen that any physical force had been applied. Forensic medical

examination established injuries on the applicant, as described above, and bruises and brain concussion as regards the other three persons.

The investigator concluded that the applicant who was driving the car had committed several administrative offences by disobeying traffic police officer O.'s orders to stop and instead accelerating the car which had no registration plate and trying to escape. The applicant and the others had been apprehended and taken to the Novyy Toryal police station in accordance with the Militia Act and the Code of Administrative Offences. During the apprehension police officers, including traffic police officer O., deputy head of the Novyy Toryal district police department M. and S. had applied physical force to the applicant and the other three persons in accordance with Sections 12 and 13 of the Militia Act that resulted in the injuries found on them by the forensic medical expert. No administrative proceedings had been brought against the applicant because of negligence on the part of the police officers.

The investigator held that no criminal proceedings should be brought in view of the absence of *corpus delicti* in the actions of police officers MM O., M., S. and three others, as provided by Article 24 § 1 (2) of CCrP.

(ii) *Novyy Toryal District Court*

The applicant appealed against the investigator's decision of 22 June 2007 to the Novyy Toryal District Court. On 14 August 2007 Judge D. examined the appeal, by way of review under Article 125 of CCrP, in the presence of the applicant, his representatives and the investigator. The Judge found that the decision had been based on objectively established facts and that no additional inquiry was needed. In interpreting Article 140 (paragraph 2) of CCrP and Article 14 (paragraph 1) of the Criminal Code the Judge stated that for criminal proceedings to be initiated it was necessary at least to establish the fact of alleged act, its social danger and a person's guilt, taking into account that there should be sufficient information indicative of elements of crime.

According to the investigator's assessment, physical coercion had been applied to the applicant by the police officers in accordance with Sections 12 and 13 of the Militia Act which authorised use of physical force for suppression of crimes and administrative offences, apprehension of offenders and for overcoming resistance to lawful demands. The fact that the applicant and his companions had committed administrative offences and resisted to the police officers' lawful demands was obvious. In particular, the Judge considered it established, based on the police officers' explanations, that the applicant and his companions had ignored O.'s demand to proceed to the police station. Instead they had acted aggressively approaching him and shouting at him. When the other police officers had arrived at the scene the applicant and the others had attempted to run away and to break loose. The Judge further stated that the use of violence against the applicant at the police premises had not been established. The Judge found no grounds to declare the investigator's decision unlawful or ill-founded and rejected the appeal.

(iii) Mariy El Supreme Court

The applicant's appeal against the District Court's decision was rejected by the Mariy El Republic Supreme Court on 26 September 2007 with a brief reasoning that the District Court's decision was well-founded.

3. Complaint to the Mariy El Ministry of the Interior

The applicant's mother also complained of her son's beatings to the Mariy El Republic Ministry of the Interior. On 30 May 2007 she received a reply stating that no breaches in the police officers' acts had been established as a result of an inquiry carried out by the Ministry of the Interior.

4. NGOs' findings

On 20 May 2007 the Yoshkar-Ola human rights NGO Chelovek i zakon and the Nizhniy Novgorod NGO Committee Against Torture issued a report as a result of their inquiry carried out at the applicant's request. They considered that the applicant had an arguable claim of police ill-treatment.

5. Other information

On two occasions the applicant's representative from the NGO Committee Against Torture was refused access to the materials of the inquiry into the applicant's mother's complaint about the police ill-treatment. His appeals were rejected by domestic courts on the grounds that he had no proper authority to represent the applicant (Mariy El Republic Supreme Court's decision of 4 July 2007) and that his request for access to the materials should have been made in writing (Mariy El Republic Supreme Court's decision of 19 December 2007).

COMPLAINTS

The applicant complains under Article 3 of the Convention that he had been tortured by the police officers at the Novyy Toryal police station to make him confess that he had stolen the car. Even assuming that his injuries had been received at the time of his apprehension, violence used by the police officers was disproportionate. He complains under the same Convention provision that no effective investigation into his complaints was carried out.

He complains under Article 13 of the Convention in conjunction with Article 3 that the authorities failed to carry out effective investigation into his complaints and that their refusal to institute criminal proceedings made it impossible for him to be granted victim status which could have enabled him to claim civil law compensation.

The applicant further complains under Article 5 of the Convention of his arbitrary and unlawful detention.

He also complains under Article 6 § 1 of the Convention that the domestic courts had refused to examine his representative's complaint concerning access to the materials of the inquiry into the alleged police

ill-treatment and that the refusal to grant him access to those materials violated Article 10 of the Convention.

4. Application no. 49158/09 lodged on 1 September 2009 by Vadim Alekseyevich KOROLEV who was born on 22 March 1988 and lives in Diveyevo, Nizhniy Novgorod region, represented by Committee Against Torture, a non-governmental organisation based in Nizhniy Novgorod.

1. Alleged ill-treatment by Nizhniy Novgorod Diveyevo police officers

(a) The applicant's apprehension

On 24 March 2007 the applicant, who was 19 years' old, was celebrating his birthday in a company of his three friends at a discotheque in the Diveyevo youth club. At about 11 p.m. police officer Mr K., who was allegedly in a state of alcoholic inebriation, approached the applicant and his friends who were standing near the club. He said that they had one minute "to disappear". One of the applicant's friends went to the club to take his jacket. The police officer twisted the applicant's arms and led him to a police car. The applicant did not resist. He was then taken to a police station in Diveyevo.

(b) Events at the Diveyevo district police department

At the police station of the Nizhniy Novgorod Diveyevo district police department (*отдел внутренних дел Дивеевского района Нижегородской области*) the applicant was requested to stand facing the wall and police officer K., who wore army boots, kicked him more than ten times. The applicant was then placed in a cell for administrative offenders. Next morning he could hardly stand up as he had pain in his both legs, as witnessed by Mr A., police officer on duty.

(c) Administrative proceedings against the applicant

According to the Diveyevo district police department's administrative detention record drawn on 24 March 2007 at 11:30 p.m., the applicant had been subjected to administrative detention for an administrative offence under Article 20.1 § 1 of the Code of Administrative Offences which he had committed. No information was entered in the section of the record concerning a detained person's injuries.

According to the Diveyevo district police department's administrative offence record drawn on 24 March 2007 at 11:40 p.m., on 24 March 2007 at 11:30 p.m. at the youth club the applicant, who was in a state of alcoholic inebriation, had used obscene language in police officers' presence and had not reacted to their reprimands. The police officers' names were not indicated in the record. The applicant was found guilty of administrative offence punishable under Article 20.1 § 1 of the Code of Administrative Offences and sentenced to a 1,000-rouble fine.

The applicant was released on 26 March 2007 at about midday after paying the fine.

(d) The applicant's injuries

On the same day at about 2 p.m. the applicant was examined by a doctor at the Diveyevo hospital. He had bruises and abrasions on his left shin and ankle and left arm and his right knee contusion.

2. Nizhniy Novgorod authorities' response to the complaint of police ill-treatment**(a) Nizhniy Novgorod Diveyevo prosecutor's refusal to prosecute annulled five times**

The hospital communicated information about the applicant's injuries, which according to him he had received at the police station, to the Diveyevo district prosecutor's office.

On the same day - 26 March 2007 - the applicant lodged an application with the Diveyevo district prosecutor's office asking to bring criminal proceedings against police officer K.

The Diveyevo district prosecutor's office (*прокуратура Дивеевского района Нижегородской области*) investigator carried out a pre-investigation inquiry under Article 144 of the Code of Criminal Procedure (CCrP). In particular, he received explanations from the applicant and one of his friends, K. and other police officers. He ordered the applicant's forensic medical examination which on 27 March 2007 revealed large bruises on his left shin, a bruise on his left ankle, abrasions on his left shin and right ankle, as well as bruise and abrasion on his left arm. The expert concluded that the injuries had been caused two or three days before the examination by hard blunt objects.

On 4 April 2007 the investigator took a decision not to institute criminal proceedings. That decision was annulled by his superior. Four more similar decisions followed and were each time annulled by prosecutors as unlawful and unfounded. The applicant's appeal against one of them under Article 125 of CCrP was not examined since the decision had meanwhile been annulled (Diveyevo District Court's decision of 21 December 2007).

(b) Refusal to prosecute upheld by courts*(i) Sarov Investigation Committee*

In the last such decision taken by the Sarov Investigation Committee investigator at the Nizhniy Novgorod prosecutor's office (*следственный отдел по ЗАТО г. Саров следственного управления Следственного комитета при прокуратуре РФ по Нижегородской области*) on 2 September 2008 it was noted in particular that K. and the other police officers had all denied use of violence against the applicant. Persons detained in the cell for administrative offenders at the same time as the applicant had stated that the applicant had been in a state of alcoholic inebriation and that he had not complained of any ill-treatment by police officers or of any injuries. According to an additional opinion by a forensic medical expert, the injuries on the applicant's legs could have been caused as a result of at least five traumatic impacts.

The investigator concluded that there was no objective evidence that police officer K. had inflicted injuries on the applicant. Statements by the participants and witnesses of the events and the medical expert's opinion did not, in the investigator's view, exclude a possibility that the applicant could have injured himself when getting into the police car, and the applicant who was in a state of alcoholic inebriation could have wrongly assessed when and how he had received the injuries. The investigator concluded that no criminal proceedings should be brought in view of the absence of *corpus delicti* in the actions of police officer K., as provided by Article 24 § 1 (2) of CCrP.

(ii) Sarov Town Court

On 16 January 2009 Judge A. of the Sarov Town Court examined the applicant's appeal against the investigator's decision of 2 September 2008, by way of review under Article 125 of CCrP, in the presence of the applicant, his representative, the deputy head of the Sarov Investigation Committee and the Sarov deputy prosecutor. The Judge considered that the investigator had carried out a proper inquiry and arrived at reasonable conclusions. The Judge found that the version that the applicant could have injured himself when getting into the police car was the only possible and irrefutable version and rejected the appeal.

(iii) Nizhniy Novgorod Regional Court

The applicant's appeal against the Town Court's decision was rejected by the Nizhniy Novgorod Regional Court on 13 March 2009 with a brief reasoning that the District Court's decision was well-founded.

3. NGOs' report

The Nizhniy Novgorod NGO Committee Against Torture issued a report as a result of their inquiry carried out at the applicant's request. They considered that the applicant had an arguable claim of police ill-treatment and that the authorities had failed to carry out effective investigation.

COMPLAINTS

The applicant complains under Article 3 of the Convention that he had been subjected to inhuman treatment by police officer K. at the Diveyevo district police department and that no effective investigation into his complaints was carried out. The authorities' explanation of the origin of his injuries was unsupported by evidence, in particular by the statements of the eyewitnesses to the applicant's apprehension. There were no medical reports which would confirm that the applicant was drunk.

He complains under Article 13 of the Convention in conjunction with Article 3 that the authorities failed to carry out effective investigation into his complaints and that their refusal to institute criminal proceedings made it impossible for him to be granted victim status which could have enabled him to claim civil law compensation.

5. Application no. 63839/09 lodged on 5 November 2009 by Sergey Gennadyevich IVANOV who was born on 25 July 1969 and lives in Cheboksary, represented by Mr D. Glukhov, a chairman of Shchit i Mech («Щит и меч»), a non-governmental human rights organisation based in Novocheboksarsk, Chuvashiya Republic.

1. Alleged ill-treatment by Chuvashiya Cheboksary GIBDD officers

(a) The applicant's apprehension and his detention at the Cheboksary Kalininskiy district police department

On 29 June 2006 late in the night the applicant was driving his car in Cheboksary. At about 12:30 a.m. he saw that he was followed by another car. He stopped. When he got out of his car two police officers of the State Road Traffic Safety Inspectorate (GIBDD) of the Ministry of the Interior of Chuvashiya Republic (*ГИБДД МВД по Чувашской Республике*) MM Z. and V. knocked him down and kicked him several times in his stomach. They tore his shirt. Then they placed him in their car and searched his car. They drew a record in which they stated that the applicant had signs of alcoholic intoxication and that he should undergo medical examination. Despite the applicant's consent to undergo medical examination the police officers took him first to a special parking lot for impounded cars and left his car there and then to the Cheboksary Kalininskiy district police department. V. drew a record of an administrative offence allegedly committed by the applicant, notably that he had refused to undergo medical examination.

The applicant was released at about 5 a.m.

(b) Administrative proceedings against the applicant

Following administrative proceedings brought against the applicant by the traffic police, on 3 August 2006, the Justice of the Peace of Cheboksary Kalininskiy district court circuit no. 7 found the applicant guilty of administrative offence punishable under Article 12.26 of the Code of Administrative Offences – disobedience to a police officer's lawful demand to undergo medical examination for the purpose of checking for alcoholic intoxication – which resulted in withdrawal of his driving licence for one year and six months. The applicant's appeal against the judgment was rejected.

(c) The applicant's injuries

According to a report of the Chuvashiya Republic Forensic Medical Bureau of 3 July 2006, the applicant had numerous abrasions and bruises on his upper and lower extremities.

2. *Chuvashiya authorities' response to the complaint of police ill-treatment*

(a) **Cheboksary prosecutor's and Investigation Committee's refusal to prosecute annulled more than twenty times**

In July 2006 the applicant complained about his ill-treatment by the GIBDD police officers Z. and V. to various authorities including the Cheboksary Kalininskiy district prosecutor's office.

The prosecutor's office and, since September 2007, the Cheboksary Investigation Committee at the Chuvashia Republic prosecutor's office (*Чебоксарский межрайонный следственный отдел следственного управления следственного комитета при прокуратуре РФ по Чувашской Республике*) carried out a series of pre-investigation inquiries provided for by Article 144 of the Code of Criminal Procedure (CCrP) which all ended in decisions not to institute criminal proceedings. Those decisions were annulled by the same bodies more than twenty times as a result of the applicant's appeals to investigators' superiors, *ex officio* or to a court. The Kalininskiy District Court rejected the applicant's appeals under Article 125 of CCrP on the ground that the investigator's relevant decisions had by that moment been annulled by his superior (decisions of 2 February and 7 November 2007 and 25 September 2009), and on two occasions granted the applicant's appeals (decisions of 23 July 2007 and 24 April 2008).

(b) **Refusal to prosecute upheld by courts**

(i) *Cheboksary Investigation Committee at the Chuvashiya prosecutor's office*

The last decision to refuse the institution of criminal proceedings was taken by investigator Mr A. of the Cheboksary Investigation Committee on 28 September 2009. It reproduced the police officers' statements that the applicant had disobeyed their request to stop, had shown resistance, therefore physical force had been applied to him, notably his hand had been twisted as a result of which he had fallen and injured his upper and lower extremities – according to police officer V.'s initial statements; and that after the applicant's fall both police officers had applied to him unspecified physical force – according to police officer Z., who also stated that they had taken the applicant to the Kalininskiy district police department. According to witness Mr Za., who had seen the applicant with the police officers immediately after his apprehension, there had been no signs of the applicant's alcoholic intoxication and that the applicant had stated to the police officers that he had wished to undergo medical examination.

The investigator found that the police officers had acted lawfully. The applicant had behaved aggressively and showed resistance. Therefore physical force had lawfully been applied to him. The injuries had been inflicted on him at the time of his apprehension. His complaint about his unlawful detention at the Kalininskiy district police department was dismissed as unfounded. The investigator concluded that no criminal proceedings should be brought in view of the absence of *corpus delicti* in

the actions of police officers V. and Z., as provided by Article 24 § 1 (2) of the Code of Criminal Procedure.

(ii) Cheboksary Kalininskiy District Court

On 12 November 2009 judge P. of the Cheboksary Kalininskiy District Court examined, by way of review under Article 125 of CCrP, the applicant's appeal against the Investigation Committee's decision of 28 September 2009. The judge endorsed all the Investigation Committee's findings and held that its pre-investigation inquiry had been carried out properly and its decision was lawful and reasonable.

(iii) Chuvashiya Republic Supreme Court

The applicant's appeal against the District Court's decision was rejected by the Chuvashiya Republic Supreme Court on 17 December 2009 with a brief reasoning that the District Court's decision was lawful and well-founded.

(iv) The applicant's access to pre-investigation inquiry materials

The Cheboksary Investigation Committee refused the applicant's representative a possibility to make or receive copies of the materials of the pre-investigation inquiry, or to take notes from them for the reason that this was not allowed by the legislation (letters by head of the Cheboksary Investigation Committee Mr K. of 25 September 2008 and a deputy head Mr Ya. of 25 March 2009). They allowed him only to read more than 200 pages case file containing information about actions undertaken by investigators of the Investigation Committee in the course of the pre-investigation inquiry.

The applicant's representative challenged the Investigation Committee's refusal in a court requesting, in particular, to bind the Investigation Committee to provide the applicant with a possibility to make copies of the materials of the inquiry by using a digital camera. In the Cheboksary Kalininskiy District Court's decision of 9 October 2008, upheld on appeal by Chuvashiya Republic Supreme Court, the application was rejected.

3. Civil proceedings

On 26 March 2008 the applicant brought civil proceedings seeking compensation for the damage suffered by reason of the failure on the part of the Kalininskiy district prosecutor's office and, since 7 September 2007, Cheboksary Investigation Committee, to bring criminal proceedings against the police officers, properly to carry out pre-investigation inquiry and take a reasoned and lawful decision. He argued, in particular, that out of thirteen decisions refusing the police officers' criminal prosecution eleven had been annulled as unlawful.

In a judgment of 26 May 2008 Cheboksary Leninskiy District Court dismissed the claim for lack of evidence of the alleged tortfeasor's guilt, unlawfulness of its behaviour or damage suffered. It noted that no compensation for moral harm suffered as a result of delayed decisions by investigating authorities or annulment of their decisions was envisaged by the domestic law.

The applicant's appeals to Chuvashiya Supreme Court and to the same court and Supreme Court of the Russian Federation in supervisory review proceedings were dismissed (decisions of 30 June 2008, 13 October 2008 and 11 January 2009, accordingly).

COMPLAINTS

The applicant complains under Article 3 of the Convention that he had been subjected to inhuman and degrading treatment by the Chuvashiya GIBDD officers and that no effective investigation into his complaints was carried out, also in violation of Article 13 in conjunction with Article 3 of the Convention, by the Cheboksary Kalininskiy district prosecutor's office and Cheboksary Investigation Committee, which had issued decisions refusing criminal prosecution of the police officers on more than twenty occasions in a procedure which lacked transparency with no real access to the materials of their pre-investigation inquiry.

6. Application no. 34455/10 lodged on 1 June 2010 by Vladimir Aleksandrovich KOLISTRATOV who was born on 15 June 1989 and lives in Novocheboksarsk, represented by Mr D. Fedorov, a lawyer with Shchit i Mech («Щит и меч»), a non-governmental human rights organisation based in Novocheboksarsk, Chuvashiya Republic.

1. Alleged ill-treatment by Chuvashiya Novocheboksarsk GIBDD officers

(a) The applicant's apprehension and his detention at the Novocheboksarsk police station

On 8 February 2008 at about 6 a.m. in Novocheboksarsk the applicant, who was 18 years' old, and two other young men were sitting in a parked car, which belonged to the applicant's parents, and waiting for their friend. A police car stopped near them and three or four police officers of the Novocheboksarsk State Road Traffic Safety Inspectorate (*ГИБДД при ОВД по г. Новочебоксарск Чувашской Республики*, "GIBDD") got out of it, soon joined by three more police officers. After checking the car papers the GIBDD officers handcuffed the applicant and took him to a police station. At the Novocheboksarsk police station (*ОВД по г. Новочебоксарск*) he was asked to sign documents stating that he was in a state of alcoholic intoxication. The applicant refused and requested that he be taken for medical examination in order to check for alcoholic intoxication. The GIBDD officers threatened him with violence in case of his refusal to sign the documents. The applicant asked for the officers' names and was insulted in reply. He refused to be photographed and taken fingerprints. The GIBDD officer grabbed him by his neck and slammed his face against the wall, as a result of which the applicant's front teeth fell out and he felt dizzy. Then the GIBDD officer lifted his hands shackled behind which caused him pain.

The applicant was then taken to another office where his friends were. They saw him bleeding from the mouth. All three were kept there under the guard of two police officers during about five hours.

The applicant was released at about 6 p.m.

(b) Administrative proceedings against the applicant

During the applicant's detention at the Novocheboksarsk police station the GIBDD officers drew up an administrative offence record, according to which on 8 February 2008 at 6:30 a.m. the applicant was driving his car in a state of alcoholic intoxication and disobeyed the police officer's lawful demand to undergo medical examination for the purpose of checking for alcoholic intoxication. The Justice of the Peace of Novocheboksarsk court circuit no. 5 found the applicant guilty of administrative offence punishable under Article 12.26 of the Code of Administrative Offences – disobedience to a police officer's lawful demand to undergo medical examination for detecting alcoholic intoxication – which resulted in withdrawal of his driving licence for one year and six months.

(c) The applicant's injuries

On the same day the applicant went to see a doctor. He had a soft tissue bruise on his face (multiple abrasions), abrasions on his neck and both wrists, one crown of tooth broken off, one tooth missing and subluxation of two other teeth.

According to report no. 572 of the Novocheboksarsk Forensic Medical Bureau of 15 April 2008, abrasions on the applicant's face and lips, one crown of tooth broken off and subluxation of two teeth were classified as minor damage to health which caused a short-time – from 6 to 21 days – health disorder. Those injuries, as well as the abrasions on the neck and both wrists, had been received within 24 hours before the applicant's medical examination on 8 February 2008.

2. Chuvashiya authorities' response to the complaint of police ill-treatment

(a) Novocheboksarsk Investigation Committee's refusal to prosecute annulled fourteen times

On 15 February 2008 Shchit i Mech (*Щит и меч*), a non-governmental human rights organisation based in Novocheboksarsk, Chuvashia Republic, lodged an application on the applicant's behalf with the Novocheboksarsk Investigation Committee (*Новочебоксарский межрайонный следственный отдел следственного комитета при прокуратуре РФ по Чувашской Республике*) complaining about the police ill-treatment.

The Novocheboksarsk Investigation Committee carried out a series of pre-investigation inquiries provided for by Article 144 of the Code of Criminal Procedure which all ended in decisions not to institute criminal proceedings. Those decisions were annulled by the same bodies fourteen times over the period of three years as a result of the applicant's appeals to investigators' superiors or *ex officio*.

(b) Refusal to prosecute upheld by courts

(i) Novocheboksarsk Investigation Committee at the Chuvashiya prosecutor's office

The last such decision was taken by investigator Mr K. of the Novocheboksarsk Investigation Committee on 5 November 2009. It follows from the decision that on 8 February 2008 at about 6 a.m. the Novocheboksarsk GIBDD received a call from Ms P. who complained that a group of young people had broken her car window in order to steal a child's seat but had failed to do so and escaped. She remembered their car registration plate. Police found the young people's car in a neighbouring courtyard. Ms P. identified a man who had broken her car window. The applicant, who was among those in the car, allegedly tried to escape but was apprehended by the police officers who had to handcuff him and then took him to the police station. None of the persons who were present at the time of the applicant's apprehension or handcuffing stated that physical force had been applied to the applicant. Expert Mr P. stated that no physical force had been applied to the applicant at the place of his apprehension.

One of the applicant's friends Mr A. later confessed that he had broken Ms P.'s car window. No criminal proceedings were brought against the applicant in respect of that episode. The investigator found that the abrasions on the applicant's neck and wrists were caused by the police officers as a result of the lawful use of handcuffs and unspecified physical force. Two police officers Mr M. and Ms S., who were with the applicant in the office where he was brought to be photographed and taken fingerprints, stated that he himself had hit his face against the wall, as a result of which his two teeth fell out and he started bleeding. Police officer Ms P. confirmed their statements. The investigator concluded that the applicant's allegation that the police officer Mr M. had hit his head against the wall was therefore ill-founded. It follows from several police officers' statements, including by those who questioned the applicant, that the applicant had been brought to the police station as a suspect in the attempted theft of a child's car seat from Ms P.'s car.

The investigator concluded that no criminal proceedings should be brought in view of the absence of *corpus delicti* in the actions of the GIBDD officers, as provided by Article 24 § 1 (2) of the Code of Criminal Procedure.

(ii) Novocheboksarsk Town Court

On 23 April 2010 judge D. of the Chuvashiya Novocheboksarsk Town Court examined, by way of review under Article 125 of the Code of Criminal Procedure, the applicant's appeal against the Investigation Committee's decision of 5 November 2009. The judge endorsed the Investigation Committee's findings and held that its pre-investigation inquiry had been carried out properly and its decision was lawful and reasonable.

(iii) Chuvashiya Republic Supreme Court

The applicant's appeal against the District Court's decision was rejected by the Chuvashiya Republic Supreme Court on 25 May 2010 with brief reasoning that the Town Court's decision was lawful and well-founded.

COMPLAINTS

The applicant complains of a violation of his rights under Article 3 of the Convention and Article 13 in conjunction with Article 3 of the Convention, in particular in that the Novocheboksarsk Investigation Committee failed to carry out effective investigation into his complaint of police ill-treatment.

7. Application no. 36295/10 lodged on 4 June 2010 by Gennadiy Albertovich SERGEYEV who was born on 2 November 1971 and lives in Moscow, represented by Mr P.V. Chikov, a chairman of Agora, an interregional association of human rights organisations based in Kazan.

1. Alleged ill-treatment by Moscow Mitino police officers

(a) The applicant's apprehension and his detention at the Mitino police station in Moscow

On 28 May 2008 at about 1 a.m. the applicant and his friend were in a 24 hour shop where the applicant used a payment terminal to credit his mobile phone account. After finding out that he had to pay extra charges, though no information about that could be found on the terminal, the applicant asked a saleswoman to give him a consumers' complaints book which she was reluctant to do. The applicant insisted. The quarrel was witnessed by Mr B., a police officer from the Mitino district police department of the Moscow North-West administrative circuit (*ОБД по району Митино Северо-Западного административного округа г. Москвы*), who called the police. Two police officers from the Mitino district police department entered the shop, grabbed the applicant, twisted his hands behind his back and led him to a police car. In the car another police officer slapped him several times in the face. The applicant and his friend were taken to the Mitino district police department where they were beaten up. The applicant's resolution to complain about the beatings to the police officers' superior was met with new violence. The applicant was punched in the head and other parts of his body and kicked.

(b) Administrative proceedings against the applicant

According to reports by two police officers who apprehended the applicant, the reason for his apprehension was that he had used obscene language in a public place and did not react to their requests to stop. On that ground administrative proceedings were brought against the applicant. In a judgment of 28 May 2008 the Justice of the Peace of Mitino district court circuit no. 175 Mr Ch. found the applicant guilty of administrative offence punishable under Article 20.1 § 1 of the Code of Administrative Offences – petty hooliganism – and imposed a 500-rouble fine. The applicant did not appeal against the judgment. He was released on the same day.

(c) The applicant's injuries

Immediately after his release the applicant went to see a doctor at polyclinic no. 229 who recorded that he had contusion of the neck, right side of chest and right ankle and abrasions on the face. He also had a nose fracture and bruises on his face. After specialised medical examination the applicant was diagnosed with acute two side deafness and acute right-side perforative posttraumatic otitis.

2. *Moscow authorities' response to the complaint of police ill-treatment*

(a) **Moscow Tushinskiy District Investigation Committee's refusal to prosecute annulled three times**

On 2 July 2008 the applicant complained of the police ill-treatment to the Moscow Tushinskiy district prosecutor's office which forwarded his application to the Tushinskiy District Investigation Committee at the Moscow prosecutor's office (*Следственный отдел по Тушинскому району Следственного управления следственного комитета при прокуратуре РФ по г. Москве*). The applicant was called to give explanations about the incident. As he had received no reply to his application by September, he complained to the Moscow Tushinskiy District Court about the Investigation Committee's inactivity under Article 125 of the Code of Criminal Procedure (CCrP). At the District Court's hearing on 16 September 2008 the applicant learned that on 17 July 2008 a decision not to institute criminal proceedings had been taken as a result of a pre-investigation inquiry into his complaints under Article 144 of CCrP. The applicant's appeal against the investigator's decision was granted by the Tushinskiy District Court's decision of 2 April 2009.

New decisions refusing prosecution of the police officers were taken on 27 April and 5 October 2009. They were each time annulled by the investigators' superiors, once after the applicant's appeal to the District Court (District Court's decision of 25 September 2009 rejecting the appeal in view of the annulment).

(b) **Refusal to prosecute upheld by courts**

(i) *Tushinskiy District Investigation Committee at the Moscow prosecutor's office*

The last decision not to bring criminal proceedings was taken on 28 January 2010. The investigator found that the applicant who was in a state of alcoholic inebriation could have fallen and injured himself and that, therefore, no criminal proceedings should be brought in view of the absence of *corpus delicti* in the actions of the Mitino police department officers, as provided by Article 24 § 1 (2) of the Code of Criminal Procedure.

(ii) *Tushinskiy District Court*

The applicant's appeal against that decision under Article 125 of CCrP was rejected on 19 March 2010 by the Tushinskiy District Court which found no grounds to declare the investigator's decision unlawful.

(iii) *Moscow City Court*

On 17 May 2010 the Moscow City Court rejected the applicant's appeal against the District Court's decision holding that the investigator had carried out a proper inquiry and taken a lawful decision.

COMPLAINTS

The applicant complains under Article 3 of the Convention about the use of physical force against him by the police officers without any legal grounds and about the lack of effective investigation into his complaint.

COMMON QUESTIONS

1. What was the legal ground and reasons for the police:
 - (a) to stop the applicant,
 - (b) to take him to the police station, and
 - (c) to keep him at the police station for the whole duration of his stay there?
 - (d) **Application no. 40384/06:** (instead of (b-c) above): to take him with them on their ride to the collective farm garage and then to the local administration?

The Government are invited to submit information/documents relevant to each of the above acts recording, *inter alia*, the time frame (from the moment the applicant was stopped by the police until the moment of his release), place, State authority, the police officers' identity, activities conducted in respect of the applicant, legal grounds and reasons, the applicant's procedural status, confessions and/or statements received from him, including the police station records and documents concerning administrative proceedings against the applicant including appeal courts' decisions, if any.

2. Did the police act lawfully (**40384/06, 45044/06 and 18796/08:** in the absence of administrative proceedings against the applicant? **34455/10:** in the absence of criminal proceedings against the applicant in respect of the attempted theft of a child's car seat from Ms P.'s car? **40384/06:** in particular, having regard to the applicant's minor age?)?

3. Once in the hands of the police:
 - (a) Was the applicant informed of his rights? If so, when, and what rights was he informed about?
 - (b) Was he given the possibility of informing his family about his apprehension and his location and, if so, when?
 - (c) Was he given access to a lawyer and, if so, when?
 - (d) Was he given access to a doctor and, if so, when and was his medical examination conducted out of the hearing and out of sight of police officers?

4. What provision from (a) to (f) of Article 5 § 1 of the Convention did the applicant's deprivation of liberty fall within? Was the applicant deprived of his liberty in breach of Article 5 § 1?

5. Was the applicant subjected to torture, inhuman or degrading treatment or punishment by the police officers, in breach of Article 3 of the Convention?

6. Having regard to the procedural protection from torture, inhuman or degrading treatment or punishment (see paragraph 131 of *Labita v. Italy* [GC], no. 26772/95, ECHR 2000-IV), did the State conduct an investigation in compliance with Article 3 of the Convention (see, among many others,

Mikheyev v. Russia, no. 77617/01, §§ 108-110 and 121, 26 January 2006)?
In particular:

(a) Does the pre-investigation inquiry under Articles 144-145 of the Code of Criminal Procedure of the Russian Federation provide for procedural guarantees and investigative methods capable of establishing the facts of the case and leading to the identification and punishment of those responsible, where there is an arguable claim of ill-treatment under Article 3 of the Convention? Did the domestic authorities' refusal to bring criminal proceedings and, hence, to conduct a preliminary investigation according to Part VIII, Articles 150-226 of the Code of Criminal Procedure breach the State's obligation to conduct an effective, thorough and expeditious investigation?

(b) Where an individual is taken into police custody in good health but is found to be injured at the time of release, it is incumbent on the State to provide a plausible explanation of how those injuries were caused, failing which a clear issue arises under Article 3 of the Convention (see, among other authorities, *Selmouni v. France* [GC], no. 25803/94, § 87, ECHR 1999-V). Did the domestic authorities discharge such a duty?

(c) Were the police officers, which assisted the investigating authority and carried out operational activities in the course of the pre-investigation inquiry into the applicant's complaint, independent of the police officers who had allegedly subjected the applicant to ill-treatment?

(d) **63839/09**: Was the Chuvashiya investigating authority's refusal, as upheld by courts, for the applicant to have copies of the voluminous pre-investigation inquiry materials compatible with the State's procedural obligation under Article 3 of the Convention?

In all seven applications the Government are invited to submit copies of the materials of the pre-investigation inquiries under Articles 144-145 of the Code of Criminal Procedure including the investigating authorities' decisions on the applicants' complaints of police ill-treatment, as well as courts' decisions on the applicants' complaints, medical certificates and medical experts' reports and other relevant documents.

7. 18796/08, 49158/09 and 36295/10: It was stated in the investigating authority's decisions taken in the course of the pre-investigation inquiry under Article 144-145 of the Code of Criminal Procedure or in the administrative proceedings against the applicants that the applicants had been in a state of alcoholic inebriation at the time of their apprehension by the police. On what evidence were such statements based?

APPENDIX

No.	Application no.	Lodged on	Applicant's name date of birth	Represented by	Alleged ill-treatment by	Applicant's age at the time of alleged ill-treatment	Complaint of police ill-treatment examined by / result	Refusal to prosecute police officers upheld by
1.	40384/06	29/08/2006	Nikolay Evgenyevich DEVYATKIN 30/11/1986	n/a	Adygeya Krasnogvardeyskiy ROVD	16 years' old	Adygeya: Krasnogvardeyskiy prosecutor / refusal to prosecute police officers	Adygeya: - Krasnogvardeyskiy District Court - Adygeya Supreme Court
2.	45044/06	11/08/2006	Aleksandr Vladimirovich KSENZ 09/11/1986	n/a	Pskov Zavelichenskiy OM	18 years' old	Pskov town prosecutor / refusal to prosecute police officers	Pskov region: - Pskov Town Court - Pskov Regional Court
3.	18796/08	21/12/2007	Ruslan Anatolyevich LEBEDEV 20/08/1987	Committee Against Torture, Nizhniy Novgorod	Mariy El Novyy Toryal ROVD	19 years' old	Mariy El: Novyy Toryal prosecutor / refusal to prosecute police officers	Mariy El: - Novyy Toryal District Court - Mariy El Supreme Court

4.	49158/09	01/09/2009	Vadim Alekseyevich KOROLEV 22/03/1988	Committee Against Torture, Nizhniy Novgorod	Nizhniy Novgorod Diveyevo ROVD	19 years' old	Nizhniy Novgorod region: Diveyevo prosecutor and Sarov Investigation Committee at the Nizhniy Novgorod prosecutor's office / refusal to prosecute police officers	Nizhniy Novgorod region: - Sarov Town Court - Nizhniy Novgorod Regional Court
5.	63839/09	05/11/2009	Sergey Gennadyevich IVANOV 25/07/1969	Shchit i Mech, Chuvashiya	Chuvashiya Cheboksary GIBDD	36 years' old	Chuvashiya: Cheboksary Kalininskiy district prosecutor and Cheboksary Investigation Committee at the Chuvashiya prosecutor's office / refusal to prosecute police officers	Chuvashiya: - Cheboksary Kalininskiy District Court - Chuvashiya Supreme Court
6.	34455/10	01/06/2010	Vladimir Aleksandrovich KOLISTRATOV 15/06/1989	Shchit i Mech, Chuvashiya	Chuvashiya Novocheboksarsk GIBDD	18 years' old	Chuvashiya: Novocheboksarsk Investigation Committee at the Chuvashiya prosecutor's office / refusal to prosecute police officers	Chuvashiya: - Novocheboksarsk Town Court - Chuvashiya Supreme Court
7.	36295/10	04/06/2010	Gennadiy Albertovich SERGEYEV 02/11/1971	Agora, Kazan	Moscow Mitino OVD	36 years' old	Moscow: Tushinskiy District Investigation Committee at the Moscow prosecutor's office / refusal to prosecute police officers	Moscow: - Tushinskiy District Court - Moscow City Court