



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

FIRST SECTION

Application no. 29075/09
Vyacheslav Stepanovich KALINKIN
against Russia
lodged on 28 April 2009

STATEMENT OF FACTS

The applicant, Mr Vyacheslav Stepanovich Kalinkin, is a Russian national, who was born in 1964 and lived until his arrest in the town of Ivanovo. He is serving his sentence in a correctional colony in the town of Kokhma, Ivanovo Region.

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

By the final judgment issued by the Ivanovo Regional Court on 21 October 2004 the applicant was found guilty of having committed murder in a drunken rage. He was sentenced to ten years' imprisonment to be served in a correctional colony.

In separate proceedings in 2010 and 2011 the applicant attempted to challenge actions by police officers who had performed the pre-trial investigation in the criminal case against him. The applicant alleged that he had been forced to confess through intimidation and psychological pressure exerted on him by the police. In the final instance, on 6 December 2011 the Ivanovo Regional Court dismissed the applicant's complaint having considered them to be manifestly ill-founded.

In November 2004 the applicant was sent to correctional colony no. 5 in Kokhma where he has remained ever since. Relying on written statements by his inmates, the applicant alleged appalling conditions of his detention in the correctional colony, which were characterised by severe overcrowding, entire lack of privacy day or night, extremely poor sanitary conditions, inadequate nourishment and so on. The applicant's numerous complaints to domestic authorities about the conditions of his detention in the colony brought no response.

The applicant further submitted that on a number of occasions a special-purpose police unit had been called to the colony to deal with inmates. Each such visit resulted in many inmates having been seriously beaten up. In

addition, the applicant argued that the colony administration was constantly humiliating inmates, having seized their warm clothes and other personal belongings and having denied them necessary medical assistance. In particular, the applicant stated that in 2005 he had broken a leg, but the colony medical personnel had not treated him.

COMPLAINTS

1. The applicant complained under a number of Convention provision about the conditions and grounds for his pre-trial detention, various irregularities in the course of the criminal proceedings, and his having been subjected to degrading treatment by the police followed by the authorities' reluctance to punish the alleged perpetrators.

2. The applicant complained under Articles 3 and 13 of the Convention about the poor conditions of his detention in the correctional colony and the lack of effective domestic remedies to raise the Article 3 complaint.

3. The applicant finally complained about the alleged ill-treatment by wardens or officers in the colony, his having been denied medical assistance, and his having been stripped of warm clothes.

QUESTIONS TO THE PARTIES

1. The parties are requested to answer the following questions concerning the applicant's detention since November 2004 in correctional colony no. 5 in Kokhma:

a. What was the floor surface of the barracks/sleeping premises (in square metres)? How many bunk beds and/or sleeping places were available in the barracks/sleeping premises? How many persons were/are detained simultaneously with the applicant? Indicate the maximum number of detainees, not the average. What is the overall number of inmates detained in the colony and what is the designed capacity of the colony? The Government are requested to provide extracts from registration logs to support their submissions.

b. What are the dimensions of the windows? Do the windows allow entrance of fresh air?

c. Is there a functioning artificial ventilation system in barracks/sleeping facilities?

d. What is the inmates' daily routine? How long do they spend in the sleeping premises? Indicate the frequency of outdoor exercise, the surface of the exercise yard (in square metres) and how many inmates make use of the yard at the same time.

e. Describe the sanitary conditions in the colony. How frequently are the barracks/sleeping premises/sanitary facilities cleaned and disinfected? Who ensures the cleaning/sanitation of the premises?

f. What is the applicant's daily food ration?

g. Were the conditions of the applicant's detention compatible with Article 3 of the Convention?

2. The Government are requested to comment on the specific grievances raised by the applicant and support their submissions with documentary evidence, including the applicant's division population registers, floor plans, colour photographs of the sleeping premises and sanitary facilities, etc., reports from supervising prosecutors or regional ombudspersons concerning the conditions of detention in the colony in Kokhma.

3. Did the applicant dispose of an effective domestic remedy – as required by Article 13 of the Convention – for his complaint about the inhuman and degrading conditions of detention in the correctional colony?