



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

FIRST SECTION

Application no. 4998/08
Igor Vladimirovich POTEKHIN
against Russia
lodged on 6 November 2007

STATEMENT OF FACTS

The applicant, Mr Igor Vladimirovich Potekhin, is a Russian national, who was born in 1956 and lived before his arrest in the town of Kineshma, Ivanovo Region. He is serving his sentence in the correctional colony in the village of Tolitsy, Ivanovo Region.

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

On 9 June 2007 the Kineshma Town Court found the applicant guilty of having caused grievous bodily harm and sentenced him to seven years and six months of imprisonment. The applicant was represented by legal aid counsel during the pre-trial investigation and at the trial.

On 7 August 2007 the Ivanovo Regional Court, in the applicant's presence, examined his appeal against the conviction and dismissed it as unfounded, having fully endorsed the Town Court's findings. The applicant was not represented by a lawyer on appeal.

The applicant was sent to serve his sentence to correctional colony no. 5 in the town of Kokhma, Ivanovo Region. He complained about extremely poor conditions of his detention in the colony. In particular, he claimed that the colony had been overcrowded. The roof of the building of his dormitory was damaged. The premises were dirty, damp and in a poor sanitary state. A large number of inmates had to share shower and lavatory facilities which did not offer any privacy.

COMPLAINTS

The applicant complained under Article 3 of the Convention about the extremely poor conditions of his detention in the correctional colony. He further complained under Article 6 about the lack of legal assistance on appeal.

QUESTIONS TO THE PARTIES

1. The parties are requested to answer the following questions concerning the correctional colony in which the applicant was held:

(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 respective facility and what is the designed capacity of the facility? 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).

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

(f) What is the applicant's daily food ration?

(g) Were any special arrangements made in the correctional colony to accommodate the applicant suffering from a severe eyesight impairment?

(h) Were the conditions of the applicant's detention compatible with Article 3 of the Convention?

2. Did the interests of justice require that the applicant be provided with free legal representation at the appeal hearing in the criminal proceedings against him (see *Shilbergs v. Russia*, no. 20075/03, 17 December 2009)? In the affirmative, was the fact that the applicant was not provided with legal aid counsel compatible with Article 6 §§ 1 and 3 (c) of the Convention?