



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

FIRST SECTION

Application no. 24232/13
Dmitriy Vladimirovich NAUMOV
against Russia
lodged on 25 February 2013

STATEMENT OF FACTS

1. The applicant, Mr Dmitriy Vladimirovich Naumov, is a Russian national, who was born in 1980 and lived until his arrest in Votkinsk, Udmurtiya Republic.

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

3. On unspecified date in May 2011 the applicant, who had been detained under suspicion of committing a crime, requested an investigator of the Investigation Department of Votkinsk, Udmurtiya Republic Mrs R. to authorise family visits of his mother Mrs. N, his partner Mrs. K, and his daughter Mrs. Ko.

4. On 14 May 2011 the investigator Mrs R. provided the applicant with a copy of the decision of 12 May 2011 refusing authorisation of requested family visits. The applicant alleges that as a result of this decision he suffered from temporary deterioration of his health, vertigo, headache, and elevated blood pressure. The staff of the detention facility at his request called the emergency medical services, which upon their arrival examined the applicant and provided necessary treatment.

5. The applicant complained against the refusal of family visits authorisation to court.

6. On 22 June 2011 the Votkinskiy Town Court of Udmurtiya Republic ruled in favour of the applicant. Referring to the decision and judgments of the Court and the Constitutional Court of the Russian Federation, the Town Court concluded that the decision of the investigator Mrs R. was unlawful, because it lacked any reasons for refusal of family visits and referred only to absence of an obligation to authorise such visits. At the same time the Town Court noted that no remedial action should be imposed on the investigator, since the criminal case had been already sent to trial and that the investigator did not have power to authorise family visits at that stage of the

proceedings. The decision of the investigator was recognized as unreasonable.

7. The applicant initiated proceedings seeking award of non-pecuniary damages for the refusal to authorise visits. As the grounds of his civil action he relied on alleged violation of his constitutional rights and psychological distress.

8. In the judgments of 9 April and 22 August 2012 the Pervomayskiy District Court of Izhevsk, Udmurtiya Republic ruled against the applicant and dismissed the non-pecuniary damage claims. The District Court reasoned that the applicant failed to prove that he had suffered any negative consequences as a result of the refusal to authorise family visits. It further stated and that the findings of the Votkinskiy Town Court of Udmurtiya Republic (see paragraph 6 above) that the decision was devoid of reasons are not sufficient to consider it unlawful and that the investigator Mrs R. had taken no culpable action. Finally, the District Court highlighted that Mrs R. refusing family visits authorisation did not act *ultra vires*.

9. On 22 October 2012 the Supreme Court of Udmurtiya Republic upheld the lower court's judgments.

COMPLAINT

10. The applicant complains under Article 8 of the Convention about restrictions on family visits in detention facility and inability to obtain any redress in this regard.

QUESTIONS TO THE PARTIES

1. Has there been an interference with the applicant's right to respect for his private and family life, within the meaning of Article 8 § 1 of the Convention?

If so, was that interference in accordance with the law and necessary in terms of Article 8 § 2?

2. Given the judgment of the Votkinskiy Town Court of Udmurtiya Republic of 22 June 2011 may the applicant still claim to be a victim of a violation of Article 8 of the Convention, within the meaning of Article 34, having regard to the judgments of the Votkinskiy Town Court of Udmurtiya Republic of 22 June 2011 and of the Pervomayskiy District Court of Izhevsk, Udmurtiya Republic of 9 April and 22 August 2012?

The Government are invited to submit a copy of the decision of an investigator Mrs R. of 12 May 2011 concerning refusal to authorise family visits to the applicant.