



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

FIRST SECTION

Application no. 18883/12
Aleksandr Vasilyevich CHUGUNOV
against Russia
lodged on 29 March 2012

STATEMENT OF FACTS

The applicant, Mr Aleksandr Vasilyevich Chugunov, is a Russian national, who was born in 1982 and is serving a prison sentence in Donskoy, Tula Region. He is represented before the Court by Mr V. Shukhardin, a lawyer practising in Moscow.

A. The circumstances of the case

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

1. Conditions of the applicant's detention and medical care

On 27 June 2005 the Zhukov District Court of the Kaluga Region found the applicant guilty of battery and manslaughter and sentenced him to eleven years and one month's imprisonment. On 6 September 2005 the Kaluga Regional Court upheld the applicant's conviction on appeal.

On 20 December 2005 the applicant started serving a prison sentence in correctional colony no. IK-1 in the Tula Region. Prior to the applicant's arrest and conviction, he suffered from duodenal ulcer, chronic, bronchitis and high blood pressure. In detention he developed chronic gastritis, hernia of a diaphragm, chronic cholecystitis, lipomas and pilonidal cysts.

On 23 January 2012 the applicant was placed in a disciplinary cell. During the day time, the pull-down beds were folded up during the day. The inmates were able either to stand or sit on a metal stool fastened to the floor. The cell was cold and damp. There was no ventilation system. Because of the cracks in the door and windows, there was constant draught. The toilet was separated with a 80-centimetre high partition from the living area of the cell. There was no hot water supply. The applicant was allowed 1.5 hours' daily exercise and one 30 minutes' shower per week.

On 21 March 2012 the applicant started having a fever resulting from an inflamed pilonidal cyst in the coccyx area.

On 22 March 2012 a prison doctor examined the applicant, prescribed him a treatment by antibiotics and advised him to stay in bed.

On 23 March 2012 the head of the correctional colony extended the applicant's detention in a disciplinary cell for another fifteen days.

On 26 March 2012 the applicant was scheduled to participate in a court hearing. He was unable to attend because of his condition. The deputy head of the colony attended the hearing. As regards the applicant's state of health, he allegedly admitted that it was impossible to arrange for a surgeon's consultation for the applicant in the colony.

On 28 March 2012 the applicant was admitted to a prison hospital where he was able to consult a surgeon only on 5 April 2012. The applicant's surgery was scheduled on 10 April 2012.

On 8-9 April 2012 the applicant's cyst opened up, the pus came out and the inflammation stopped.

On 18 April 2012 the applicant was released from hospital and transferred back to the correctional colony.

On 25 April 2012 the applicant consulted a surgeon and a neurologist at the hospital of correctional colony no. IK-2. He was prescribed medication for high blood pressure. The surgeon recommended that the applicant undergo a surgery in connection with the pilonidal cyst. According to the applicant, the surgery has not been performed to date.

2. Correspondence with the Court

On 5 June 2012 the applicant was summoned by the head of the operations division of the colony. There were several officers present in the office. They advised the applicant to withdraw his application before the Court. They allegedly threatened him that, should he choose to pursue his application, he would be serving the rest of his sentence in a disciplinary cell without family visits and he could be charged with another offence. The applicant complied. He signed a letter. It was stamped by the colony and dispatched to the Court.

On 14 June 2012 the applicant wrote another letter to the Court wherein he asked the Court to disregard his previous letter that he had had to write because of the pressure put on him by the administration of the colony.

COMPLAINTS

The applicant complains under Articles 3 and 13 of the Convention about the conditions of his detention in a disciplinary cell and the lack of necessary medical treatment.

He complains under Article 34 of the Convention that the administration of correctional colony no. IK-1 put pressure on him to make him withdraw his application before the Court.

QUESTIONS TO THE PARTIES

1. Taking into account the applicant's medical history, in particular, his suffering from a pilonidal cyst, has the State met its obligation to ensure that that applicant's health and well-being are being adequately secured by, among other things, providing him with the requisite medical assistance (see *McGlinchey and Others v. the United Kingdom*, no. 50390/99, § 46, ECHR 2003-V), as required by Article 3 of the Convention, in the present case? Regard being had to the applicant's state of health, was he fit for detention in a disciplinary cell from 21 to 28 March 2012?

2. The Government are requested to produce a typed copy of the applicant's complete medical record, drawn up after his arrest, including records of his medical examinations, issued medical recommendations, prescriptions of drug regimens, etc.

3. In the light of the replies to the above questions, were the conditions of the applicant's detention in correctional colony no. IK-1 in the Tula Region compatible with Article 3 of the Convention?

4. Did the applicant have at his disposal an effective domestic remedy for his complaint under Article 3, as required by Article 13 of the Convention?

5. Has there been any hindrance by the State in the present case with the effective exercise of the applicant's right of application, ensured by Article 34 of the Convention?