



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

Communicated on 15 May 2014

FIRST SECTION

Application no. 12983/14
Artem Grigoryevich PATRANIN
against Russia
lodged on 8 February 2014

STATEMENT OF FACTS

The applicant, Mr Artem Grigoryevich Patranin, is a Russian national, who was born in 1976 and lived before his arrest in the town of Kazan, Tatarstan Republic.

The circumstances of the case

1. The applicant's state of health: description provided by the applicant upon a request for the application of an interim measure under Rule 39 of the Rules of Court

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

Since 1999 the applicant suffers from progressing multiple sclerosis. He received the first-degree disability in connection to that illness.

On 22 February 2012 the applicant was arrested on suspicion of his having taken active part in an organised criminal group between 1995 and 2005 and his having participated in the murder of or attempted murder of several persons in 1999. The applicant's health deteriorated significantly and rapidly in the detention facility where his health complaints were not addressed at all as the facility did not have any medical specialists. In August 2012 prison authorities recorded that the applicant's movement had been impaired with his having been unable to walk without a cane. In September 2012 the applicant suffered an epilepsy attack resulting in the paralysis of the left side of his body. On 10 September 2012 an investigator authorised a forensic medical examination of the applicant to determine whether he was fit to stay in a detention facility. A medical examination, based, *inter alia*, on the results of an MRI exam, performed by civilian experts from the Tatarstan Republic medical institute led to the conclusion that the applicant suffered from "a grave condition preventing his

detention”. In particular, experts diagnosed him with progressing multiple sclerosis, left-sided hemiplegia (*paralysis*) in the cerebral spinal form, acute right-sided hemiparesis (*muscle weakness of the right side of the body*) with the persistent astheno-depressive syndrome, memory deterioration, partial atrophy of the visual nerves, symptomatic epilepsy with polymorphic partial motor and generalised attacks 3-4 times per month, arterial hypertension of the first degree, light myopathy of both eyes. On the day following the expert report the applicant was released from detention.

On 29 May 2013 the Supreme Court of the Tatarstan Republic found the applicant guilty as charged and sentenced him to ten years of imprisonment to be served in a correctional facility of strict regime. The trial court, however, decided that the applicant should not be placed in custody pending the appeal proceedings. On 3 September 2013 the Supreme Court of the Russian Federation upheld the judgment on appeal. On 8 October 2013 the applicant was arrested and placed in a prison hospital in correctional colony no. 2 of the Tatarstan Republic where he remained ever since.

In November 2013 the applicant underwent an MRI test and was examined by several doctors, including by a neurologist, from the prison hospital in correctional colony no. 2. Their decision issued on 23 November 2013 indicated that given the negative prognosis for and the severity of the applicant’s condition, he should be sent for a forensic medical examination to determine the issue of his early release on health grounds. The doctors relied, *inter alia*, on results of the MRI examination which had shown that, in comparison to the results of the previous MRI exam in September 2012, the applicant’s illness progressed significantly and demonstrated further negative dynamic. The applicant was informed by the prison administration that they would seek his immediate release on health grounds.

However, merely a week later the applicant was notified that an additional expert examination was to be performed. Two medical experts visited the applicant, talked to him and informed him that his condition did not warrant the release. On 20 January 2014 the applicant was served with a copy of an opinion by the two medical experts who had concluded that he did not suffer from the condition listed in the Government’s decree among illnesses warranting release on health grounds as his condition had not yet reached the crucial stage calling for the early release.

Having relied on a number of medical certificates and reports issued by medical specialists from civilian medical facilities who had either treated him following his release from detention in September 2012 or had studied his medical history in 2013, the applicant argued that he was unable to care for himself and that he required constant assistance, care and medical treatment which the Russian authorities were not able to provide to him in detention. In particular, a report issued in September 2013 by a neurologist from the Tatarstan Republic hospital indicated that the applicant could not make any movements with the left side of his body and could only partly move fingers on the right hand or right leg; he could not walk or sit without assistance; he required assistance even if placed in a wheelchair. Another report indicated that the applicant suffered from the pelvis dysfunction leading to involuntary urination, an additional element calling for constant care. The civilian doctors concluded that the stage of the development of the

applicant's illness was 9 (with the death being rated, according to that scale, with 10).

Having provided copies of his complaints to various Russian authorities, the applicant submitted that his requests for an independent medical examination to determine whether he could remain in detention, as well as his complaints about the lack of proper medical assistance went unanswered.

The applicant argued that he spent his entire day in bed. Prison physicians, who had no proper training to deal with patients in his condition, came to see him once in several days. He had not been bathed for months. He could not eat or drink unaided, so he received food once a day. He suffered from a severe pain as he could not defecate and the medical personnel only gave him an enema once in two weeks. He did not receive any treatment and had not been seen in detention by specialists, such as a neurologist.

2. Application of an interim measure and the subsequent developments

On 12 February 2014 the Court, in response to the applicant's request under Rule 39 of the Rules of Court, decided to indicate to the Government that the applicant should be immediately examined by medical experts independent from the penitentiary system, including by a neurologist and an epileptologist. The experts were to be asked whether the treatment and physical care the applicant was receiving was adequate to his condition, whether his current state of health was compatible with detention in the conditions of a correctional colony or a prison hospital, and finally, whether the applicant's current condition required his placement in a specialised hospital or his release. The Russian Government were also asked to ensure the applicant's immediate transfer to a specialised hospital if the medical experts conclude that the applicant required placement in such a hospital.

In response to the Court's request, the Government provided the Court with a typed copy of the applicant's medical history prepared by the detention authorities; certificates issued by the head of the applicant's correctional colony and the head of the Service for the Execution of Sentences in the Tatarstan Republic; and a copy of the report drawn up on 25 December 2013 by a medical commission, comprising the head, deputy head and senior inspector of the medical unit of the Service for the Execution of Sentences in the Tatarstan Republic and a deputy head of the prison hospital of correctional colony no. 2 where the applicant was detained. Having relied on those documents, the Government argued that the applicant had received adequate medical assistance and that the medical commission of the Service for the Execution of Sentences in the Tatarstan Republic had concluded that "the degree of the manifestation of the applicant's condition (multiple sclerosis) did not [reach the level] which could be described as body function impairment" warranting the release in compliance with the Government's decree of 6 February 2004. That decree laid down a list of illness calling for inmates' early release.

The applicant commented on the Government's information, having insisted that the medical assistance afforded to him was virtually non-existent. He relied on his medical record and stated that prior to the

application of the interim measure under Rule 39 of the Rules of Court he had been prescribed over twenty medicaments of which, as followed from the record, he had only received five. At the same time the applicant argued that the medical record had been forged as he, in fact, received only one drug. Following the application of the interim measure he had been allowed to obtain certain medicaments from his wife to treat the epilepsy syndrome. He further submitted that the prison hospital where he stayed had no necessary medical equipment. He had usually been taken to another hospital or a specialist with the proper equipment had been allowed to visit him in the prison hospital. The prison hospital only employed a neurologist, a specialist, who according to her own assessment, was not skilled to treat the applicant's complex condition. Despite the fact that the applicant's condition was progressing and that the prognosis for him was negative, the authorities had not taken any steps to alleviate his sufferings and safeguard his life and limb.

COMPLAINTS

The applicant complained under Articles 2, 3 and 13 of the Convention that he had not received adequate medical treatment and care in detention and that he had no effective remedies to complain about the alleged violations.

QUESTIONS TO THE PARTIES

1. Taking into account the applicant's medical history, have the Government met their obligation to ensure that his 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. The Government are asked to provide a copy of the applicant's medical record in respect of the two periods: after the applicant's arrest and following his sentence, and the typed version of the entire medical record.
2. Regard being had to the applicant's disability and, in particular, his suffering from paralysis, muscle weakness, pelvis dysfunction leading to involuntary urination, etc., were the conditions of his detention following his sentence compatible with Article 3 of the Convention? In particular, the parties are asked to describe the physical/general care afforded to the applicant with his everyday needs (eating, bathing, moving around the facility, and so on); how often and by whom such care was provided to the applicant.
3. Did the applicant dispose of effective domestic remedies – as required by Article 13 of the Convention – for his complaint about the lack of effective medical care?
4. Given the Government's response to the Court's decision to impose, on 12 February 2014, an interim measure under Rule 39 of the Rules of Court, has there been a 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?