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

FIRST SECTION

Application no. 17181/09
Aleksandr Gennadyevich LESNIKOVICH
against Russia
lodged on 25 November 2008

STATEMENT OF FACTS

The applicant, Mr Aleksandr Gennadyevich Lesnikovich, is a Russian national, who was born in 1966 and lives in Izluchinsk (the Khanty-Mansiysk Region).

A. The circumstances of the case

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

1. Events of 16 February 2006

At the material time the applicant along with his son, born on 26 January 1987, and some other persons rented a flat in a block of flats in Noyabrsk Town (the Yamalo-Nenetskiy Region). On 16 February 2006 at about 6.00 a.m. the applicant's neighbours called the police. They informed the police of loud screams they had heard from the applicant's flat. Two police officers arrived at 6 a.m. and also heard the screams coming from the flat. They rang the bell but the door remained closed. Some time later, a half-naked woman, Ms B. (the victim), came out the flat and stated that she had been recently raped by the applicant and his son. The officers entered the flat and found there the applicant and his son. The police apprehended the applicant and his son and took them as well as the victim to the Noyabrsk Town Police Department (the Police Department).

According to a logbook of persons brought to the Police Department, the applicant and his son arrived at the Department at 7.05 a.m. and were handed over to an investigator "for further proceedings" at 7.55 a.m., on

16 February 2006. According to the applicant, the investigator, Mr Ch., repeatedly questioned him and his son as "witnesses to the incident" and told that they did not need a lawyer.

On 16 February 2006 the investigator took the following actions in connection with the incident. He questioned the victim who insisted that she had been raped by the applicant and his son. He also questioned the applicant's flat inmates and the police officers who had arrested the applicant and his son. He inspected "the scene of the incident" (i.e. the flat) and drew up a record of the inspection. He ordered forensic medical examination (*судебно-медицинское освидетельствование*) of the victim, of the applicant and his son. The persons concerned were escorted then to the Purovskoe District Branch of the Forensic Examination Agency, underwent medical examination. Biological samples were taken from them on the same day.

According to the applicant, he and his son were released on 16 February 2006 at about 11.00 p.m. and summonsed to appear before the investigator next day at 2.00 p.m. The applicant alleges that he and his son had been under permanent supervision of the police officers all the time between 6 a.m. and 11.00 p.m. on 16 February 2006 and were not allowed to leave the Police Department. He further alleged that they had not been provided with any food during that time. They were allegedly allowed to use WC only twice. On the way there and back they were escorted by police officers and were handcuffed.

2. Arrest and detention in the temporary detention centre

On 17 February 2006 the investigator opened a criminal investigation into the rape of the victim. The applicant and his son formally became suspects. On the same day the investigator arrested them and drew up formal records of their arrest. Between 18 February 2006 and 22 June 2006 the applicant and his son were kept in the temporary detention centre (the IVS) of the Noyabrsk Police Department.

(a) Conditions of detention in the IVS

The applicant provided the following description of the conditions in the IVS. He was held in cell no. 9 measuring 15 sq. m. The cell housed between nine to twelve inmates who took turns to sleep. The overcrowding caused a lot of conflicts and tensions between the inmates.

The window of the cell measured 0.6 and 0.3 sq. m. and was covered with metal blinds blocking access to daylight and fresh air. There was no ventilation in the cell. The lack of air was aggravated by the detainees' smoking. As a result, the applicant, originally non-smoker, became a passive smoker and subsequently an active smoker.

There was no sink with water tap or any toilet pan. The inmates had to use a bucket which smelled very bad and was emptied only once a day in the morning. The bucket was not separated from the main area. The dining table was only 1.5 metres away from the bucket. The detainees were provided with meals once a day. The quality of food was completely unsatisfactory. There was not enough drinking water for everybody.

The detainees were allowed to take shower once every ten days for fifteen minutes, with three shower heads for nine to ten persons. The drains in the shower room did not work, the water temperature was not adjustable. There was no dressing room, the detainees had to undress before the shower and dress up after it in a corridor. Only twice during the applicant's detention in the IVS was he allowed to have an outdoor exercise.

The ceiling of the cell was covered with mould. The cells were infested with bugs, lice, cockroaches and rats and the administration did nothing to disinfect the facility.

It was cold in winter (up to six degrees Celsius) and hot in summer (up to forty-five degrees Celsius). The detainees were not provided neither with bedding nor with items of personal hygiene. They were also unable to buy them in the IVS. Mattresses were tarred, there were no possibility for washing the clothes. Inmates were not provided with newspapers, literature or with information concerning their rights. The applicant was held in a cell with repetitive offenders and ill persons that was allegedly endangering his life and health . Complaints were not accepted by the IVS administration.

(b) Medical assistance in the IVS

While in the IVS the applicant contracted scabies and nail fungus; however, according to him he was not provided with adequate medical assistance. He also complains that he suffered from neurasthenia because of the appalling conditions of detention. His eyesight deteriorated. The applicant attributes it to the lack of light.

(c) Other submissions

The applicant's son was detained in another cell with similar conditions of detention. The investigator allegedly threatened the applicant that he and his son would be subjected to ill-treatment by cell mates.

3. Conviction by the first-instance court and detention in the remand prison

On 15 June 2006 the Noyabrsk Town Court found the applicant and his son guilty of rape and sentenced them to six and a half years' imprisonment in a "strict regime correctional colony" and to four years' imprisonment in an "ordinary regime correctional colony" respectively. The conviction judgment was based, *inter alia*, on a record of the inspection of the scene of the incident drawn up by the investigator on 16 February 2006.

Between 29 June 2006 and 30 August 2006 the applicant and his son were held in remand prison IZ-72/2 in Zavodoukovsk (the Tyumen Region). According to the applicant, conditions of his detention in the remand prison were similar to such in the IVS. However, he provided no details in this regard.

4. Confirmation of the conviction on appeal; the applicant's transfer to the correctional colony

On 28 August 2006 the Yamalo-Nenetskiy Regional Court upheld conviction judgment of 15 June 2006 on appeal. Between 29 September 2006 and 16 June 2011 the applicant served his imprisonment

sentence in correctional colony IK-8 located in the Yamalo-Nenetskiy Region.

(a) Conditions of detention in the colony

The applicant provided the following description of the conditions of his detention in the correctional colony and submitted a detailed plan of living premises with description. The dormitory where he lived consisted of two sections measured 132 and 144 sq. m. respectivelly and accommodated 230 to 250 individuals.

The sanitary premises were extremely packed: all the convicts had to use the only available five water taps and four toilet pans. There was not enough water. Water supply was only available between 5.00 and 7.00 in the morning and between 8.00 and 11.00 in the evening. While there was no running water, the convicts were at their disposal a water tank with 50 liters of drinking water and a tank with 300 litres of technical water per day. It was clearly not enough since the water in the tanks ended already at about 10.00 a.m. The toilet pans were stinking since there was no water to flush them after 10.00 a.m.

The floor of the dormitory was based on a frame made of used railway sleepers impregnated with creosote. It smelled so strongly that the convicts had to permanently leave the windows open, also in winter, to get rid of the smell. The smell caused headaches and the open windows caused colds. It was cold in winter. The roof of the dormitory had at least 18 visible leaks and there were puddles on the floor if it rained. Dining room in the dormitory was 32 sq. m. and was equipped with one electric stove with four burners, one refrigerator and four sockets. The dormitory was infested with rats.

The convicts were allowed to take shower once a week for fifteen minutes, with ten shower heads for up to 40 persons. Just before the applicant's release four extra shower heads were installed, but the time for washing was reduced to 10 minutes.

According to the applicant, in 2008 the convicts were provided with winter clothes only at the end of November when the temperature dropped below minus 28 degrees Celsius.

(b) Medical assistance in the colony

In April 2008 the applicant contracted a grippe in the correctional colony. The grippe then developed into sinusitis (*гайморит*); the applicant attributed it to inadequate medical assistance. It appears that subsequently the applicant received medical treatment and recovered. According to the applicant, in February 2009 he contracted ringworm but received no medical assistance and was released from the correctional colony in June 2011 with the uncured disease which caused loss of hair.

(c) Other submissions

On 11 December 2008 the applicant allegedly had a conflict with a dangerous convict and asked the colony administration that he be placed in a safe place. On 12 December 2008 the administration placed the applicant in an isolation cell for 10 days. According to the applicant, he complained about that to the court and on this ground was persecuted by the

administration. He was allegedly not allowed to visit a church or participate in cultural events in the colony. On 25 January 2009 the applicant was placed in an isolation cell for 45 days and on 10 February for 15 days. The applicant also argues that the prison authorities on many occasions did not dispatch his complaints to law-enforcement bodies, opened his letters containing complaints and took away documents attached to his letters. His attempts to initiate criminal proceedings against the colony administration on this ground were to no avail.

5. Proceedings concerning lawfulness of the deprivation of liberty on 16 February 2006

(a) Criminal law complaint concerning unacknowledged detention of 16 February 2006

In 2009, while in the correctional colony, the applicant lodged with the Investigative Committee of the Yamalo-Nenetskiy Region a number of complaints seeking an inquiry into his and his son's deprivation of liberty on 16 February 2006. It appears that the Committee refused to do so and the applicant challenged the refusal before the court.

On 18 August 2009 the Noyabrskiy Town Court examined the applicant's complaint and terminated the proceedings since, in its opinion, the complaint was connected with the criminal proceedings against the applicant and his son which had already ended with a final judgment in 2006.

The applicant lodged an appeal and stated, *inter alia*, that he sought to bring police officers to criminal liability for unlawful deprivation of liberty on 16 February 2006. In his words, his complaint was not connected with the criminal proceedings ended in 2006

On 21 December 2009 the Yamalo-Nenetskiy Regional Court dismissed the applicant's appeal and upheld the decision.

(b) Civil claim for damages concerning unacknowledged detention

On 8 December 2010 the applicant brought civil proceedings against the Noyabrsk Police Department and the Russian Ministry of Finance seeking compensation of non-pecuniary damages caused by the unlawful deprivation of liberty on 16 February 2006. He asked the court to request information from the Police Department as to the time of his release on that date since the Police Department had previously refused to provide him with the information in question.

On 5 August 2011 the Noyabrskiy Town Court examined his claim and dismissed it as unsubstantiated. The Town Court found that the applicant had failed to prove unlawfulness of the actions of the police and the investigator which took place on 16 February 2006. It also noted that the applicant failed to submit any evidence that he had sustained any non-pecuniary damages in connection with the events of 16 February 2006. It appears that the Town Court dismissed the applicant's request for ordering the Police Department to disclose information in their possession.

The applicant appealed but his statement of appeal was not accepted for examination as belated. On 28 September 2011 the Noyabrskiy Town Court issued a ruling to this effect. It appears that the applicant did not appeal against the ruling.

6. Compensation proceedings concerning condition of detention

On an unspecified date in 2010 the applicant, while serving his sentence in the correctional colony, brought civil proceedings against the Noyabrsk Police Department and the Russian Ministry of Finance seeking compensation of non-pecuniary damages resulted from poor conditions of his detention in the IVS in 2006. The applicant was not represented in those proceedings.

On 23 July 2010 the Noyabrskiy Town Court examined the applicant's claim in his absence. It established that the cell in which the applicant had been kept in the IVS measured 17.82 sq. m. As to the applicant's allegations of overcrowding the Town Court found as follows:

> "According to the logbooks [of the IVS] for 2006 there were mostly four persons in each cell, in some periods there were up to five persons. The head of the IVS submitted a certificate that during [the applicant's] detention the occupancy of each cell was not more than seven persons in average. The average occupancy per day in 2006 was 46 persons for 55 sleeping places available in the IVS".

Referring to the submissions of the head of the IVS, the Town Court also dismissed as unsubstantiated other allegations of the applicant. In particular, it held that despite the grills on the window the detainees had access to daylight and fresh air. The cell was equipped with a ventilation system. The lightening was enough to write. The court noted that there was no tap water and WC in the cell but found the detainees were escorted to a WC outside the cell on request. The cell was equipped with a water tank. The detainees were provided with hot meals from a nearby café three times a day. The Court referred to a contract of services to that effect concluded between the café and the IVS. The quality of food was fully satisfactory. The detainees had the opportunity to wash their clothes; the temperature in the cells was checked daily. The detainees were allowed to take a shower once a week. The shower room was equipped with a dressing room. Disinfection measures were taken regularly. There was no problem with insects. No disease outbreaks have been recorded. Medical assistance was provided timely and was of a good quality. According to the logbook, the applicant did not ask for medical assistance during his detention in the IVS.

The Town Court also held that there was no legal ban on detaining smokers together with non-smokers. The applicant was not held in one cell with ill detainees. The applicant was held in secure conditions. He was capable of obtaining information concerning his rights on his request from the administration. Periodicals and a library were available to detainees. The applicant was able to lodge complaints, *inter alia*, with the administration of the IVS but did not do so. The Town Court concluded that conditions of detention in the IVS had not been inhuman or degrading.

On 30 August 2010 the applicant appealed against the judgment of 13 July 2010. He complained in particular that he had not been allowed to personally address the court despite his request to this effect and asked the appeal court to arrange for his personal attendance at the appeal hearing. The applicant also complained that the Town Court had relied on doubtful submissions of the defendant and did not check their accuracy. The

applicant further complained that the Town Court ignored his requests to visit the IVS, to question his former cell mates and to order a complex forensic examination concerning conditions of detention in the IVS in 2006.

On 25 November 2010 the Yamalo-Nenetskiy Regional Court dismissed the applicant's appeal and upheld the judgment. It noted *inter alia* that the Town Court had reasonably dismissed the applicant's requests for obtaining evidence in a separate ruling. It also noted that the law did not make a provision for transporting detainees to a civil court hearing.

7. Compensation proceedings against the correctional colony

After his release from correctional colony in 2011, the applicant brought civil proceedings against the colony and the Ministry of Finance seeking compensation of non-pecuniary damages. The applicant based his claims on allegations of degrading conditions of detention and insufficient medical assistance in the colony. He also complained of violations of his rights to security and privacy by the colony administration.

On 13 December 2011 the Labytnangskiy Town Court of the Yamalo Nenetskiy Region examined his claims and dismissed them as unsubstantiated.

As to the conditions of detention the Town Court referred to the results of a prosecutor's inquiry which had been conducted in 2009 in the colony. The inquiry established that the living space of the dormitory in question was 385 sq. m. Each convict was provided with 3.13 sq. m. personal space which was more than a minimum of 2 sq. m. established by law. The tap cold water was supplied without a break. The dormitory was equipped with two water tanks with drinking water measured 120 litres. The temperature regime in the dormitory was compatible with the relevant regulations. The dormitory was equipped with 14 shower heads. The convicts were taking shower in groups of maximun 40 persons, which was compatible with the law in force. The sanitary conditions in the dormitory as well as of the building itself were satisfactory and corresponded with the relevant regulations. The Town Court found that the applicant was provided with clothes according to the regulations in force.

As to the medical assistance provided to the applicant in the colony, the Town Court examined the applicant's medical records and found that the applicant's sinusitis had been properly treated and that the applicant had recovered. Other illnesses which appeared during the applicant's detention in the colony, such as, *inter alia*, dermatitis, colds, etc. were also successfully cured. The Town Court noted that the applicant's medical records contained no entry concerning the ringworm.

As to the allegation of interference with the applicant right of correspondence, the Town Court examined a certificate submitted by the colony administration and found that the administration had dispatched a great number of the applicant's letters to the law-enforcement bodies. The Town Court also noted that the applicant failed to substantiate his allegation of censorship of his correspondence or of removing documents from his letters.

As to the applicant's allegation of violations of his right to security, the Town Court found them unsubstantiated as well.

On 6 January 2012 the applicant appealed. In his statement of appeal he argued, *inter alia*, that the Town Court had failed to quote the exact number of convicts housed in the dormitory and did not examine the question of how many convicts had been housed there before the prosecutor's inquiry. The applicant also argued that if the water was supplied permanently, then there would be no need to keep the water tanks in the dormitory. The applicant further criticised the judgment since the Town Court had dismissed his request to carry out an independent inspection of the colony.

On 5 March 2012 the Yamalo-Nenetskiy Regional Court examined the applicant's appeal and upheld the judgment. The Regional Court gave in its judgment no explicit response to the applicant's arguments raised in his statement of appeal.

8. Other facts

After his conviction, the applicant lodged a number of criminal complaints seeking criminal prosecution of the investigator, the judge, the victim and the advocates who had been involved in the criminal proceedings against him. He also lodged a number of supervisory review complaints in order to challenge his conviction. All his complaints were to no avail.

In 2009 the applicant brought civil proceedings against the Ministry of Finance seeking compensation of non-pecuniary damages caused by a delayed examination of his supervisory review complaint by the Yamalo Nenetskiy Regional Court. The complaint against the conviction judgment was lodged on 6 December 2006 and dismissed on 20 February 2007. The applicant was informed thereof on 5 March 2007. On 30 June 2010 the Tverskoy District Court of Moscow refused to accept his claim since the law had not determined the territorial and subject-matter jurisdiction over civil claims for compensation of damages incurred by the breach of a reasonable-time guarantee. On 22 October 2010 the Moscow City Court upheld the judgment.

While serving his sentence the applicant also initiated a number of proceedings seeking access to information contained in his criminal case file. The Noyabrsk Town Court, where the criminal case was kept, informed the applicant on several occasions that he or his representative were entitled to make copies of the case file but the court was not obliged to make such copies or to send them to the applicant. The applicant's complaints to the Investigative Committee of the Yamalo-Netenskiy Region as well as to the court were to no avail (final judgment: Yamalo-Nenetskiy Regional Court, 24 December 2009).

The applicant further initiated a number of proceedings seeking access to information concerning the dates of the visits and the persons who visited him during his detention in the IVS of the Noyabrsk Police Department in 2006. With a letter of 24 January 2009 the Police Department informed the applicant that the relevant logbook had been destroyed after the expiry of the storage period. A subsequent inquiry revealed that the logbook in question had been destroyed before the expiry of the storage period. The applicant was informed that on 26 January 2011 the head of the Police Department was disciplined for the violation of archive regulations. The applicant brought civil proceedings against the State authorities seeking compensation of non-pecuniary damages caused by the unlawful destruction

of the logbook. On 12 October 2011 the Noyabrskiy Town Court dismissed his claim as unsubstantiated. It noted, in particular, that the applicant failed to prove that he had sustained any non-pecuniary damages.

In 2011 the applicant brought civil proceedings against the administration of the correctional colony seeking declaration that his unpaid labor in the colony was unlawful. The applicant also sought unemployment compensation for the periods when he was unemployed by the colony administration. His claims were dismissed as unfounded (final judgment: Yamalo-Nenetskiy Regional Court, 17 November 2011).

In 2011 the applicant also brought civil proceedings against the advocates who represented him and his son in the criminal proceedings which had lead to their conviction in 2006. The applicant blamed the advocate for improper defence in the criminal proceedings and sought compensation of non-pecuniary damages. Domestic courts dismissed the applicant's claim as unsubstantiated (final judgment: Yamalo-Nenetskiy Regional Court, 12 January 2012).

B. Relevant domestic law

1. Arrest and detention of suspects

Article 91 § 1 of the Code of Criminal Procedure of the Russian Federation (the CCrP) allows the arrest of a suspect (i) at the time of the offence or immediately thereafter; (ii) if eyewitnesses including victims pointed to him as the perpetrator of the crime; or (iii) if the suspect bore or was in possession of evident traces of the crime or if such traces were found on his clothes or at his home.

Article 92 of the CCrP sets out the procedure for the arrest of a suspect. After a suspect is brought to the police station the record of his/her arrest shall be drawn up within three hours. The arrest record must include the date, time, place, legal basis and reasons for the arrest. It should be signed by the suspect and the person who made the arrest. The record shall contain a note that the rights set forth in Article 46 of the CCrP had been explained to the suspect.

Article 46 § 4 of the CCrP provides for the procedural rights of a suspect, including the following rights: to be informed of the suspicion against him/her; to receive a copy of the decision to initiate criminal proceedings against him/her or a copy of the arrest record; to make a deposition in relation to the suspicion against him/her or to remain silent; to have legal assistance and to have a confidential meeting with counsel before the first interview.

2. Conditions of detention in temporary detention centres

Article 22 of the Detention of Suspects Act (Federal Law no. 103-FZ of 15 July 1995) provides that detainees should be given free food sufficient to maintain them in good health according to standards established by the Government of the Russian Federation. Article 23 provides that detainees should be kept in conditions which satisfy sanitary and hygienic requirements. They should be provided with an individual sleeping place and given bedding, tableware and toiletries. Each inmate should have no less than four square metres of personal space in his or her cell.

Detainees have, in particular, the right to have an eight-hour uninterrupted sleep at night time and a one-hour period of daily exercise (Article 17 §§ 10 and 11). Detention at a temporary detention centre may not exceed ten days per month (Article 13).

The Decree of the Ministry of Internal Affairs no. 950 on Internal Regulations of Police Temporary Detention Centres, enacted on 22 November 2005, provides that each cell in such centres should be equipped, *inter alia*, with a lavatory, a water tap and a tank for drinking water (§ 45). Detainees should be allowed to take a shower at least once a week for 15 minutes (§ 47).

3. Conditions of detention in correctional colonies

Article 99 § 1 of the Penitentiary Code of 8 January 1997 provides for a minimum standard of two square metres of personal space for male convicts in correctional colonies. They should be provided with an individual sleeping place and given bedding, seasonal clothing and toiletries (Article 99 § 2).

4. *Attendance of convicts at civil court hearings*

The Code of Civil Procedure of the Russian Federation provides that individuals may appear before a court in person or act through a representative (Article 48 § 1).

The Penitentiary Code provides that convicted persons may be transferred from a correctional colony to an investigative unit if their participation is required as witnesses, victims or suspects in connection with certain investigative measures (Article 77.1). The Code does not mention any possibility for a convicted person to take part in civil proceedings, whether as a plaintiff or a defendant.

On several occasions the Constitutional Court has examined complaints by convicted persons whose requests for leave to appear in civil proceedings have been refused by courts. It has consistently declared those complaints inadmissible, finding that the contested provisions of the Code of Civil Procedure and the Penitentiary Code do not, as such, restrict the convicted person's access to court. It has emphasised nonetheless that the convicted person should be able to make submissions to the civil court, either through a representative or in any other way provided by law. If necessary, the hearing may be held at the location where the convicted person is serving his sentence, or the court hearing the case may instruct the court with territorial jurisdiction over the correctional colony to obtain the applicant's submissions or to take any other procedural steps (decisions 478-O of 16 October 2003, 335-O of 14 October 2004, and 94-O of 21 February 2008).

COMPLAINTS

1. The applicant makes the following complaints under Article 3:

(1) He complains that the conditions of detention in the IVS as well as in the remand prison in respect of himself and his son were degrading;

(2) He complains that the investigator threaten him that he and his son would be ill-treated by the cell inmates in 2006;

(3) He complains that conditions of his detention in the correctional colony were degrading;

(4) He complains about insufficient medical assistance while in detention;

(5) Finally, he complains about persecutions by the colony administration and about violation of his right to security while in detention.

2. The applicant complains under Article 5 that from 6.00 a.m. to 11 p.m. on 16 February 2006 he and his son had been deprived of their liberty in an arbitrary fashion. They were *de facto* arrested and detained as suspects but the authorities did not grant them such a status and the rights connected therewith. A legal basis for their detention therefore lacked.

3. Under Article 6 the applicant makes a number of complaints:

(1) He complains about unfairness and unreasonable length of criminal proceedings against himself and his son.

(2) He complains about the unfairness and outcome of the compensation proceedings concerning conditions of detention in the IVS. He argues, in particular, that he was not able to address the courts in person since his transporting from the colony to the court was not allowed.

(3) He complains about violation of his right of access to appeal court in the compensation proceedings concerning the unlawful deprivation of liberty on 16 February 2006.

(4) He complains that the courts refused to examine his claim for compensation of non-pecuniary damages caused by delayed examination of his supervisory review complaint.

(5) He complains about the outcome of the civil proceedings brought by him against the advocates.

(6) He complains about the outcome of the civil proceedings in his labour dispute with the colony administration.

4. Under Article 7 the applicant complains about erroneous application of criminal law by the domestic courts.

5. The applicant complains about censorship of his correspondence by the correctional colony administration, delayed dispatch of his complaints to law-enforcement bodies as well as about taking away documents from his letters with complaints to law-enforcement bodies.

6. The applicant complains about violation of his right of access to information affecting his rights (the criminal case file and the logbook).

7. Under Article 13 the applicant complains about lack of any effective remedy for his complaints described above. Under the same Convention provision the applicant complains about his unsuccessful attempts to initiate supervisory review proceedings to challenge his conviction, as well as about refusals of the prosecution authorities to initiate criminal proceedings against the investigator, the judge, the victim and the advocates who had been involved in the criminal proceedings against him.

8. Under Article 14 the applicant complains about discrimination by the Russian authorities on the basis of his convict status.

QUESTIONS TO THE PARTIES

1. Were the conditions of the applicant's detention in the temporary detention centre (the IVS) of the Noyabrsk Police Department between 18 February 2006 and 22 June 2006 compatible with Article 3 of the Convention? The Government are requested to comment on all aspects of the conditions of detention which the applicant complained of. The Government are requested to produce documentary evidence, including population registers, floor plans, day planning, colour photographs of the sanitary facilities, etc., as well as reports from supervising prosecutors concerning the conditions of detention in the IVS.

2. Were the conditions of the applicant's detention in correctional colony IK-8 compatible with Article 3 of the Convention? The Government are requested to comment on all aspects of the conditions of detention which the applicant complained of. In particular, the Government are requested to explain when in 2008 the convicts were provided with winter clothes. The Government are requested to produce documentary evidence, including population registers, floor plans, day planning, colour photographs of the sanitary facilities, register of issuing winter clothes for 2008 etc., as well as reports from supervising prosecutors concerning the conditions of detention in the colony and other primary documents relevant to the subject-matter of the applicant's complaint.

3. Was the applicant's detention on 16 February 2006 compatible with the requirements of Article 5 § 1 of the Convention? In particular, what was the legal basis for his detention? At what time was the applicant apprehended/released on 16 February 2006? The Government are requested to produce all the documents pertaining to the applicant's apprehension and detention on 16 February 2006 (the arrest warrant, if any, the detention record, extracts from the registers of the Police Department, records of his interrogation, etc.).

4. Did the applicant have an enforceable right to compensation for his detention in the above period, as required by Article 5 § 5 of the Convention?

5. Having regard to the refusal of the domestic courts to secure the applicant's attendance at all the hearings concerning his claims for compensation of non-pecuniary damages resulted from poor conditions of his detention in the IVS in 2006, were the civil proceedings on the applicant's claims fair, as required by Article 6 § 1 of the Convention?

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