

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES



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Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1186 meeting (3-5 December 2013) (DH)

Item reference: Communication from the authorities (14/11/2013)

Communication from the Russian Federation concerning the cases of Dirdizov, Mkhitarian and Reshetnyak against Russian Federation (Applications No. 41461/10, 46108/11 and 56027/10).

Information made available under Rule 8.2.a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1186 réunion (3-5 décembre 2013) (DH)

Référence du point : Communication des autorités

Communication de la Fédération de Russie relative aux affaires Dirdizov, Mkhitarian et Reshetnyak contre Fédération de Russie (Requêtes n° 41461/10, 46108/11 et 56027/10) (**anglais uniquement**).

Informations mises à disposition en vertu de la Règle 8.2.a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



INFORMATION
on the enforcement of the judgments
of the European Court of Human Rights in cases

no. 41461/10 *Dirdizov v. Russia*, judgment of 27 November 2012, final on 27 February 2013;
no. 46108/11 *Mkhitaryan v. Russia*, judgment of 5 February 2013, final on 5 May 2013;
no. 56027/10 *Reshetnyak v. Russia*, judgment of 8 January 2013, final on 8 April 2013.

The violation

In the above judgments the European Court of Human Rights ("the European Court") found a violation of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on account of failure to provide adequate medical care to the applicants during their detention.

In the case *Dirdizov v. Russia* the European Court also found a violation of Article 5 § 3 of the Convention on account of length of the applicant's detention; in the case *Mkhitaryan v. Russia* the European Court found a violation of Article 5 § 4 of the Convention on account of excessive length of examination of the applicant's appeals against the detention orders; in the case *Reshetnyak v. Russia* the European Court found a violation on account of the absence of an effective domestic remedy available to the applicant due to failure to provide medical care to him in the correctional facility.

Individual measures:

1. Just Satisfaction

Applicant	Pecuniary and non-pecuniary damage	Legal costs and expenses	Total
Farit Fatykhovich Dirdizov	EUR 20,000	EUR 2,270	EUR 22,270
The amount was fully paid on 27.06.2013 in roubles according to the exchange rate at the date of the payment with default interests (payment order no. 1226010 in the amount of RUB 960,476.87).			

Applicant	Pecuniary damage	Non-pecuniary damage	Legal costs and expenses	Total
Mkhitaryan Telman Akopovich		EUR 15,000	EUR 7,000	EUR 22,000
The amount was fully paid on 19.06.2013 in roubles according to the exchange rate at the date of the payment (payment order no. 1197108 in the amount of RUB 928,947.80).				

Applicant	Pecuniary damage	Non-pecuniary damage	Legal costs and expenses	Total
Vitaliy Vasilyevich Reshetnyak		EUR 20,000		EUR 20,000
The amount was fully paid on 12.07.2013 in roubles according to the exchange rate at the date of the payment with default interests (payment order no. 1258954 in the amount of RUB 842,377.56).				

2. At the moment applicants F. Dirdizov and V. Reshetnyak are not serving sentences in the prison facilities. F. Dirdizov was released on parole on 31 October 2011, V. Reshetnyak was released after serving the sentence on 6 February 2012.

No individual measures in respect of F. Dirdizov and V. Reshetnyak are therefore required, since the above applicants were released and have full access to medical care in the healthcare facilities of the Russian Federation.

3. On 15 November 2012 T. Mkhitarian was transferred and is currently detained in the remand prison in the Novgorod Region ("CIZO-1") where he has access to necessary medical care. He is regularly examined by the medical personnel, including the cardiologist of the facility and the Novgorod Regional Clinical Hospital ("the NRCH"). Last time the applicant was examined on 18 October 2013 in hospital by the head of cardiological department of NRCH. Following the examination the cardiological diagnosis was not changed and it was established that there is no necessity in emergency surgery for the applicant. The recommendations of cardiologist concerning the conservative drug therapy are executed.

Following the examinations the applicant was recommended to take coronarographic examination in the NRCH, which is necessary to decide whether the operative treatment, i.e. myocardial revascularization, is required. This is a technologically advanced type of medical care which cannot be provided without the full examination which necessarily includes coronarographic examination.

According to the Federal Service for Execution of Punishment of Russia ("the FSIN") the applicant refuses to take the coronarographic examination since he believes, that "the healthcare facilities of the Novgorod Region lack the medical professionals which are qualified enough for this type of diagnostics". At the same time the NRCH (where the applicant is provided with the opportunity to take the coronarographic examination), renders medical services including those of cardiovascular surgery on the basis of its license issued by the Federal Service on Surveillance in Healthcare (no. FS-53-01-000588 of 21 December 2012). The Regional Vascular Surgery Center is an affiliate of the NRCH. The NRCH and CIZO-1 signed a relevant agreement to provide paid medical services for the detainees.

As soon as T. Mkhitarian agrees to take the coronarographic examination in the NRCH, the examination will immediately take place and further treatment approach, including the necessity of surgery, will be decided.

4. According to the Supreme Court of the Republic of Tatarstan, the Novgorod Regional Court and the Sverdlovskiy Regional Court, neither the applicants nor their representatives filed any statements with courts in connection with entry into force of the European Court's judgments.

General Measures:

1. The work aimed to solve the problems of failure to provide the adequate conditions of custody and detention in the prison facilities, including the adequate and effective medical services; lack of domestic remedies for the corresponding violations; and excessive length of detention is taken within scope of enforcement of the European Court's judgments in the *Kalashnikov* group of cases, the European Court's pilot judgment in case *Ananyev and Others v. Russia*, and in *Popov, Klyakhin* and *Gorodnichev* groups of cases.

2. In accordance with the Regulation On the Representative of the Russian Federation at the European Court of Human Rights – the Deputy Minister of Justice of the Russian Federation approved by Decree of the President of the Russian Federation no. 310 of 29 March 1998, the European Court's judgments in cases *Dirdizov v. Russia*, *Mkhitaryan v. Russia* and *Reshetnyak v. Russia* were forwarded to competent state authorities (the Supreme Court of the Russian Federation, the Constitutional Court of the Russian Federation, the Investigative Committee of the Russian Federation, the Ministry of the Interior of the Russian Federation, Federal Service for Execution of Punishment, the Federal Security Service of the Russian Federation and the Federal Drug Control Service of the Russian Federation) for taking into account in practice and for taking measures under their competence in order to prevent further violations found by the European Court.

The above authorities forwarded the copy of the Court's judgments and the corresponding instructions to the lower instance courts, structural divisions and territorial authorities respectively.

3. The European Court's judgments in cases *Dirdizov v. Russia*, *Mkhitaryan v. Russia* and *Reshetnyak v. Russia* were published into Russian on the official website of the Investigative Committee of the Russian Federation.

The information on the above judgments was published into Russian in the *Consultant Plus* and *Garant* legal reference systems, and the texts of the judgments into English - in the *Consultant Plus* legal reference system.