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Date: 04/10/2021

DH-DD(2021)971

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Meeting: 1419th meeting (December 2021) (DH)

Communication from the authorities (21/09/2021) in the case of NEVMERZHITSKY v. Ukraine (Application No. 54825/00).

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

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Réunion : 1419^e réunion (décembre 2021) (DH)

Communication des autorités (21/09/2021) relative à l'affaire NEVMERZHITSKY c. Ukraine (requête n° 54825/00) **[anglais uniquement]**

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

**МІНІСТЕРСТВО
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21 SEP. 2021

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Mr Pavlo Pushkar

**Head of Division
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F-67075 Strasbourg Cedex

*As to the cases Molchenko and Pavlenko v. Ukraine (app. no. 64639/19),
Byelikov v. Ukraine (app. no. 57291/19),
Millyer and Benedyk v. Ukraine (app. no. 57287/19)*

Dear Mr Pushkar,

With reference to your letter of 28 April 2021 regarding information on the applicants' current situation please be informed of the following.

- *As regards Mr Pavlenko*

On 8 July 2021 the Babushkinsky District Court of Dnipropetrovsk decided to extend the applicant's detention on remand for 60 days until 5 September 2021. He is still detained in Dnipro detention facility No. 4. During his stay in the facility, Mr Pavlenko was held in 7 different cells with an average area of 7.7 square meters, where he was detained together with one prisoner at most. Mr Pavlenko was given 1 pillow and 1 mattress. Bed linen and blankets were not given to him because he used his own.

- *As regards Mr Millyer*

On 24 March 2021 the Industrial District Court of Dnipropetrovsk decided to change the detention to house arrest, prohibiting the applicant from leaving his place of residence until 24 May 2021. On 6 September 2021 the court decided to extend the house arrest until 4 October 2021.



СЕД АСКОД
Міністерство юстиції України
№ 82667/5.2.1/30-21 від 21.09.2021
Підписувач Давидчук Ольга Васи́лівна
Сертифікат 58E2D9E7F900307B0400000D76B1700BB228A00
Дійсний з 23.10.2020 0:00:00 по 23.10.2022 0:00:00

- *As regards Mr Byelikov*

On 6 February 2020 the Nikopol City-District Court of Dnipropetrovsk Region changed the detention to house arrest and released the applicant in the courtroom.

- *As regards the conditions of the applicants' detention in Dnipro detention facility No. 4*

In order to improve the material and living conditions of convicts and detainees in Dnipro detention facility No. 4, during 2019-2020 the repair works were carried out.

On the ground floor of the food block were held:

- reparation of the fruit and vegetable processing plant;
- installation of an infrared dryer and a new ventilation system;
- replacement of electrical wiring, installation of LED ceiling lamps, 380W outlets and switches;
- replacement of old wooden windows and doors with metal-plastic ones;
- arrangement of the floor with cement screed and facing it with ceramic tiles;
- plastering and painting of the walls with water-emulsion mixtures on a silica basis;
- reparation of refrigerating chambers;
- reparation of the fire hydrants' water supply system.

Hydraulic testing of water supply and hot water supply pipelines was also carried out.

On the second floor of the food block in the room for washing dishes and utensils:

- waterproofing of the floor was carried out;
- old windows were replaced with new metal-plastic ones;
- wiring, sewerage and water supply network as well as radiators were replaced;
- the walls and tiled were plastered;
- LED lamps, sockets, switches were installed, sinks were equipped with faucets and siphons;
- the ventilation system was replaced and installation of ventilation shafts was carried out;
- the roof of the food block building was repaired to prevent damage due to snow and rain;
- water catchment funnels and storm drains were replaced.

The building for long dates was also renovated by plastering of wall surfaces and facing with ceramic tiles. Also, there were other improvements:

- the ceiling was repaired and LED lamps were installed;
- partitions on a metal framework with a plasterboard covering were made;
- pipes for water supply and sewerage were replaced;
- new ventilation was installed;
- plumbing equipment was completely replaced (showers, washbasins, toilets, boilers, siphons for washbasins, etc.);
- air conditioners, cabinets, tables, beds, chairs, and kitchens were purchased in the apartments for long-term dates.

Therefore, during 2020, in order to improve the detention conditions of convicts and detainees, UAH 1 372 300 was allocated from the state budget for the reparation of 7 facilities of Dnipro detention facility No. 4 (the roof of the mini-bakery building, three regime buildings ("Regime Corps", "Main Regime Corps", "Northern and Southern Fork"), food block, laundry and outbuilding for household purposes).

According to the plan of current repairs of the State Penitentiary Service of Ukraine, in 2021 it is planned to improve the conditions of detention of convicts and detainees in the regime building ("North and South Fork") of Dnipro detention facility No. 4 for the total amount of UAH 121 400.

From the beginning of 2021, 5 cell rooms and 4 cells of the 6th Corps Department were repaired. In the Main Regime Corps, 6 cells were repaired, and 2 – in the Regime Corps.

In the Main Corps, separate sections of internal network pipelines, electrical wiring, sockets, water taps, wooden windows, door blocks were replaced, incandescent lamps were replaced with LED lamps. Heating networks were also repaired, plastic pipes were installed. The heating system in the 9th building was repaired. In the 8th corps the bath and laundry was repaired.

As to the issue of nutrition, the food is supplied and purchased centrally. All food delivered to the facility is inspected by the commission for quantity and quality, only in the presence of certificates of conformity and quality certificates. The convicts and detainees have three meals a day. The quality of cooked food is checked by a medical worker before each serve to the convicts or detainees.

The water supplied through water pipes (both in the facilities and in the city of Dnipro) is not suitable for consumption. In this regard the water is purified by filters or by boiling.

As for the personal hygiene of the convicts and detainees, washing in the bath is carried out weekly with the obligatory simultaneous change of underwear and bed linen. This rule is enshrined in the Order of the Ministry of Justice of Ukraine "On approval of the Regulations on the organisation of bath and laundry services for persons held in penitentiaries and detention centres" No. 849/5 of 8 June 2012. Several groups of prisoners may be washed in the baths at the same time (at the rate of 1 shower net for 2 persons) accompanied by a senior in the corps department of the institution or a junior inspector on duty. The capacity of the bath provides washing within 40 minutes.

In addition, all convicts and detainees are provided with bedding, which is issued in accordance with the reports of the commanders of the regime corps in the book of records of acceptance (issuance) of linen and use of detergents and in personal cell cards.

According to the internal regulations, the administration of the institution issues individual hygiene products: soap, toothbrush, toothpaste, disposable razor and personal hygiene products (for women) only at the request of the convict or detainee and in case of lack of funds in his personal account.

Ventilation in the cells is carried out due to the equipped ventilation openings, which have a special location in front of the window (above the cell door), and the systematic ventilation through the windows for the issuance of food. The convicts and detainees open the windows in the cell on their own as needed. Forced ventilation in the cells is carried out every day for an hour during the walk of convicts.

According to the Internal Regulations of SIZO of the State Penitentiary Service of Ukraine, approved by the Ministry of Justice of Ukraine Order No.1769/5 of 14 June 2019, each cell is equipped with working (day) and duty (night) lighting, as well as electrical outlets for connecting electrical appliances. Lighting and sockets are controlled from the premises of the junior inspector on duty and switches installed in the corridors near the entrance door to the cells. Daylight is switched on

and off by the SIZO staff at the time specified in the order of the day. During the night (from 22:00 to 06:00) the staff on duty turns on the duty (night) lighting while carrying out the inspection of the cells in order to prevent convicts or detainees from committing suicide, causing injuries or preparing to escape from custody. The level of lighting should not interfere with the rest and sleep of convicts or detainees.

On the territory of the regime zone and on the roof of the house of the regime building there are walking yards for convicts and detainees. There is also sports equipment for physical exercises. Every prisoner or convict, at their own request, has the opportunity to do sports.

The Government are convinced that the repair works have improved the conditions of detention as much as possible.

Yours sincerely,

Olga DAVYDCHUK
Acting Agent
before the European Court of Human Rights