



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

FIRST SECTION

Application no. 2613/13
Vladimir Georgiyevich AKIMENKOV against Russia
and 6 other applications
(see list appended)

STATEMENT OF FACTS

THE FACTS

A list of the applicants is set out in the appendix.

The applicants were detained on suspicion of having played an active role in the mass disorders that allegedly took place at a political rally held on 6 May 2012 at Bolotnaya Square in Moscow. They were arrested on different dates between 28 May 2012 and 5 September 2012.

Their submissions on the circumstances in which a demonstration took place and was dispersed by the authorities are set out in Section A below. The facts relating to the individual applicants' arrest and detention, and their complaints, are set out in Section B.

A. Background facts

On 23 April 2012 five individuals, none of whom are applicants in the present case, submitted a notice of a public demonstration to the mayor of Moscow stating the date, time and route of the intended march. It was to begin at 4 p.m. on 6 May 2012, with an estimated number of about 5,000 participants, who would march from Kaluzhskaya Square down Bolshaya Yakimanka Street and Bolshaya Polyanka Street, followed by a meeting at Bolotnaya Square. The meeting was to end at 7.30 p.m. The notice stated that the proposed demonstration was intended "to express protest against abuses and falsifications in the course of the elections to the State Duma and of the President of the Russian Federation, and to express a demand for fair elections, respect for human rights, the rule law and the international obligations of the Russian Federation".

On 4 May 2012 the deputy mayor of Moscow charged the Tsentralnyy district prefect with assisting the organisers of the demonstration in maintaining public order and security during the event.

On 5 May 2012 a plan of the intended demonstration was officially published, which included a map of the area designated for the march and the meeting. The centre of Bolotnaya Square was indicated on it as the place of the meeting.

On 6 May 2012 all of Bolotnaya Square, except a narrow strip along its embankment, was barred with metal barriers and cordoned off by the riot police. The strip was left to serve as a corridor leading to the entrance to the meeting venue, and it was equipped with 15 metal detectors.

The march began as planned at 4 p.m. The turnout exceeded the expectations, but there is no consensus as to the exact numbers. The organisers of the demonstration considered that about 25,000 people took part in the event. The police stated the number of participants was 8,000, and the estimates given in different media varied between 45,000 and 120,000 people.

The march down Yakimanka Street and Bolshaya Polyanka Street went peacefully without any disruption. However, when the marchers arrived at the corridor, which was substantially narrower than the streets by which they had arrived, a stampede and panic occurred. Apparently some protestors attempted to break through the police cordon, but they were forced back to the restricted area and clashes between them and the police began. The police allegedly used truncheons, electric shock and teargas against the protestors.

According to the official sources 436 protestors were arrested at the site of the demonstration, but the organisers considered their number underestimated and claimed that there had been about 650 persons taken into custody.

On the same day the Investigative Committee of the Russian Federation opened criminal proceedings to investigate the suspected mass disorders and violent acts against the police (Articles 212 § 2 and 318 § 1 of the Criminal Code).

On 28 May 2012 the investigation was also launched into the criminal offence of organising mass disorders (Article 212 § 1 of the Criminal Code). The two criminal cases were joined on the same day.

On 22 June 2012 the Investigative Committee set up an investigation group of 27 investigators and put them in charge of the criminal file concerning the events of 6 May 2012.

On unidentified date two human rights activists filed a request with the Investigative Committee to open criminal investigation into the conduct of the police in the above events, in particular their alleged suppression of the lawful public demonstration. There is no information about the follow-up to this request.

Another petition was filed, also on unidentified date, by 44 human rights activists and members of NGOs, calling for curbing repression against the protestors arrested and prosecuted in relation to the events of 6 May 2012 and denying that mass riots had taken place during the demonstration.

B. The applicants' individual cases

1. The application of Mr Akimenkov (no. 2613/13)

The applicant, Mr Vladimir Georgiyevich Akimenkov, is a Russian national, who was born in 1987 and lives in Moscow. He is represented before the Court by Mr D.V. Agranovskiy, a lawyer practising in Elektrostal, the Moscow Region.

(a) The applicant's arrest and pre-trial detention

The applicant is a political activist, a member of an opposition movement "Levy Front".

He claims that on 6 May 2012 he arrived at Bolotnaya Square to take part in the demonstration. He denies having taken part in any clashes with the police or having caused disorder.

Until 10 June 2012 the applicant continued to take part in various authorised public events while living at his usual address.

On the latter date he was detained on suspicion of having participated in mass disorders between 5 p.m. and 8 p.m. on 6 May 2012.

On 11 June 2012 the Basmannyy District Court of Moscow began a hearing on the investigator's request to apply pre-trial detention as a measure of restraint pending criminal proceedings. On the same day the hearing was adjourned to allow the investigator to present evidence in support of the request.

On 13 June 2012 the hearing resumed and a policeman was questioned who testified that he had seen the applicant on 6 May 2012 throwing an object in the direction of the police, but he could not tell what it was as the object had missed them. On the basis of these statements the court ordered the applicant's pre-trial detention until 10 August 2012.

On 19 June 2012 charges were brought against the applicant. He was accused of having participated in mass disorders, aggravated by violence, arson and destruction of property, in particular, of having thrown an unidentified object in the direction of the police, which had not hit anyone.

On 8 August 2012 the Basmannyy District Court examined a request for an extension of the applicant's pre-trial detention. The applicant requested to be released, alleging that all necessary investigative acts had already been carried out. He presented personal guarantees of two State Duma deputies in support of his undertaking not to obstruct the course of justice and not to abscond. He also claimed that the detention had had negative impact on his state of health, relying on medical certificates, and alleged that in detention he was receiving no treatment.

On the same day the court found that the circumstances that had justified the detention order had not changed. It noted that there had been sufficient reasons to believe that the applicant was likely to abscond, to continue his criminal activity, to threaten witnesses, or to otherwise obstruct the course of justice. It did not elaborate on the reasons and did not refer to concrete facts supporting the likelihood of the adverse consequences of the applicant's release.

The court granted an extension of the applicant's pre-trial detention until 6 November 2012. On 12 September 2012 the Moscow City Court upheld the extension.

On 29 October 2012 the Basmanny District Court examined a new request for an extension of the applicant's pre-trial detention. The applicant asked to be released and presented personal guarantees of a well-known writer and of two directors of prominent NGOs. Alternatively, he requested to apply a bail as a measure of restraint. On the same day the court found that the circumstances that had justified the detention order had not changed and extended the applicant's detention until 6 March 2013.

On 7 November 2012 new charges were brought against the applicant. The qualification of the offences he was accused of remained unchanged.

On 26 November 2012 the Moscow City Court upheld the extension order of 29 October 2012.

On 1 March 2013 the Basmanny District Court granted a new extension of the applicant's detention, until 10 June 2013, essentially on the same grounds and having noted that the circumstances that had justified the detention order had not changed. On 3 April 2013 the Moscow City Court upheld this extension order.

On 24 May 2013 the applicant's criminal case was transferred to the Zamoskvoretskiy District Court of Moscow for determination of criminal charges. On 6 June 2013 the latter court granted another extension of the applicant's detention, until 24 November 2013. This decision concerned all 12 defendants in the case. Having rejected the applicant's request for another measure of restraint, the court held that no other measure could secure the course of justice in this case.

On 2 July 2013 the Moscow City Court upheld this extension order.

(b) Conditions in the detention facility, in the courtroom and during transfer and medical assistance

From 14 June 2012 to 17 September 2012 and from November 2012 onwards the applicant was detained in the temporary detention facility IZ-77/5 in Moscow. He claims that he was detained in different cells and that in all of them the conditions had been poor. In particular, he alleges overcrowding, insufficient light, insufficient ventilation, constant exposure to cigarette smoke; excessive heat in summer and cold in winter, inadequate sanitary arrangements, absence of access to drinking water and the lack of outdoor exercise.

On 11 July 2012 the applicants requested the detention facility chief to order his medical examination. He alleged a rapid deterioration of his eyesight.

On 17 September 2012 the applicant was transferred to the detention facility IZ-77/1 which had a hospital wing where the applicant remained for five weeks while undergoing medical examination. The medical report issued as a result concluded that the applicant did not suffer from one of the serious conditions listed in applicable regulations and was therefore fit for detention. The applicant was not receiving any medical treatment in either detention facility.

The applicant alleged that in the temporary detention facility IZ-77/1 the conditions were even worse than in the other facility, in particular on account of overcrowding, inadequate light, insufficient ventilation, absence of some window panes and cold, inadequate sanitary arrangements, absence of access to drinking water and the lack of outdoor exercise. Moreover, the

applicant could not have visits in that facility, had no access to radio, television or press.

On 30 June 2013 the applicant was placed in the detention facility IZ-77/2. He complains of the lack of outdoor exercise and inadequate sanitary arrangements.

The applicant alleges that during the trial he and other 11 defendants are cramped in a small room separated by a plastic partition from the rest of the courtroom. The room lacks space, ventilation and is virtually soundproof, effectively preventing him from participating in the proceedings. The bench has no backrest. The lack of space makes it impossible to have documents or to consult one's counsel during the hearing.

According to the applicant, the convoy room (the "box") where he waits before and after the hearing is too small, poorly equipped, lacks ventilation and light. During the personal search conducted in the convoy room the applicant is required to strip naked and to perform sit-ups.

The applicant also alleges that he is transported between the detention facility and the courtroom in the overcrowded vans with lacking ventilation. The transfer takes about three hours in the morning and up to five hours in the evening, which deprives him of sleep and hot meals. There is no possibility to use toilet during the transfer.

2. The application of Mr Barabanov (no. 4966/13)

The applicant, Mr Andrey Nikolayevich Barabanov, is a Russian national, who was born in 1990 and lives in Moscow. He is represented before the Court by Ms S. Sidorkina, a lawyer practising in Moscow.

(a) The applicant's arrest and pre-trial detention

The applicant claims that on 6 May 2012 he arrived at Bolotnaya Square to take part in the peaceful demonstration, that he was not armed and had no objects that could be used as weapon and that he did not intend to take part in any disorder or clashes with the police.

When the stampede occurred the applicant attempted to leave the place of the event but could not do so as the crowd was too thick. He was arrested randomly and he did not put any resistance to the policemen arresting him.

On unidentified date the applicant was convicted of non-compliance with a lawful order by a police officer, an offence under Article 19.3 of the Code of Administrative Offences. He was sentenced to a 24-hour' detention.

On 28 May 2012 the applicant's flat was searched. On the same day he was detained on remand on charges of having participated in mass disorders and of having used violence against the police during the demonstration of 6 May 2012.

On 30 May 2012 the Basmannyy District Court of Moscow examined the request to detain the applicant pending criminal investigation. It found that that there had been sufficient reasons to believe that the applicant was likely to abscond, to continue his criminal activity, to threaten witnesses, or to otherwise obstruct the criminal proceedings. It indicated, in particular, that the investigation had obtained operative information from undisclosed sources that the applicant had had connections among football fans and groups of anarchists, the allegations denied by the applicant. It dismissed the applicant's request for an alternative measure of restraint; it also

dismissed the request to dispense with the pre-trial detention on health grounds and ordered the applicant's detention on remand until 6 July 2012. On 27 June 2012 the Moscow City Court upheld the detention order.

On 5 June 2012 charges were brought against the applicant for having participated in mass disorders, aggravated by violence, and for having used violence against an official. In particular, he was accused of having used force against the policemen during the arrest.

On 4 July 2012 the Basmanny District Court of Moscow examined the investigator's request to extend the term of the applicant's detention by four months. The prosecution considered that the applicant was likely to obstruct justice because of the gravity of charges and because of his alleged connections among football fans and groups of anarchists; he was also likely to flee because he was not married, had no stable employment, had a valid travel passport and considerable financial means.

The applicant objected, having denied any connections with football fans or anarchists. He pointed out that he had no criminal record; that he had been working and had been living with his partner at his registered address, that his mother was also living in Moscow; that he had good references. He offered to deposit his travel passport with the authorities and asked for an alternative measure of restraint.

The court examined the file and extended the applicant's detention on remand, having noted that there had been sufficient reasons to believe that the applicant was likely to abscond, to continue his criminal activity, to threaten witnesses, or to otherwise obstruct the criminal proceedings. It did not elaborate on the reasons and did not refer to concrete facts supporting the likelihood of the adverse consequences of the applicant's release. The extension was granted, as requested, until 6 November 2012.

On 6 August 2012 the Moscow City Court upheld the extension of the applicant's pre-trial detention.

On 31 October 2012 the Basmanny District Court of Moscow examined the investigator's request to extend the term of the applicant's detention by four months. On essentially the same grounds as earlier the court extended the applicant's detention until 6 March 2013. On 3 December 2012 the Moscow City Court upheld the extension order.

On 16 November 2012 new charges were formulated against the applicant, apparently referring to the same criminal offences as before.

On 1 March 2013 the Basmanny District Court of Moscow authorised a further extension of the applicant's detention, until 28 May 2013. This decision was also upheld by the Moscow City Court.

3. The application of Mr Belousov (no. 2653/13)

The applicant, Mr Yaroslav Gennadiyevich Belousov, is a Russian national, who was born in 1991 and lives in Moscow. He is represented before the Court by Mr D.V. Agranovskiy, a lawyer practising in Elektrostal, the Moscow Region.

(a) The applicant's arrest and pre-trial detention

The applicant is a student of the political science faculty of the Moscow State University.

The applicant claims that on 6 May 2012 he arrived at Bolotnaya Square to take part in the demonstration. He denies having taken part in any clashes with the police or having caused disorder.

On 17 May 2012 the applicant was convicted of non-compliance with a lawful order by a police officer, an offence under Article 19.3 of the Code of Administrative Offences. He was sentenced to a 24-hour' detention.

Until 9 June 2012 the applicant continued to study at the university while living at his usual address with his wife and their child.

On the latter date he was detained on suspicion of having participated in mass disorders between 5 p.m. and 8 p.m. on 6 May 2012.

On 11 June 2012 the Basmanny District Court of Moscow examined the request to detain the applicant pending criminal investigation. It found that that there had been sufficient reasons to believe that the applicant was likely to abscond, to continue his criminal activity, to threaten witnesses, or to otherwise obstruct the course of justice. It did not elaborate on the reasons and did not refer to concrete facts supporting the likelihood of the adverse consequences of the applicant's release. It dismissed the applicant's request for an alternative measure of restraint, including a 500,000 Russian roubles (RUB) bail and a personal guarantee; it also dismissed the request to dispense with the pre-trial detention on health grounds and ordered the applicant's detention on remand until 6 July 2012.

On 18 June 2012 charges were brought against the applicant for having participated in mass disorders, aggravated by violence, and for having committed an act of violence against an official. In particular, he was accused of having thrown an unidentified small round object in the direction of the police, which had hit a police officer's shoulder. It was also stated that the applicant had shouted slogans.

On 2 July 2012 the Moscow City Court upheld the detention order of 11 June 2012.

On 3 July 2012 the Basmanny District Court of Moscow examined the investigator's request to extend the term of the applicant's detention by four months. The applicant requested to select another measure of restraint pending trial. He offered a bail of RUB 500,000, or personal guarantees of a State Duma deputy, two Moscow municipal deputies and one academic. His request for an alternative measure of restraint was supported by petitions signed by six Moscow municipal deputies and three personal references from his places of residence and the university. The applicant also requested to release him on health grounds, having provided medical certificates confirming that he was suffering from a high-degree myopia and asthma. On the same day the court found that the circumstances that had justified the detention order had not changed and extended the applicant's detention until 6 November 2012

On 6 August 2012 the Moscow City Court upheld the extension order of 3 July 2012.

On 29 October 2012 the Basmanny District Court granted another extension of the applicant's detention, until 6 March 2013, essentially on the same grounds and having noted that the circumstances that had justified the detention order had not changed.

On 7 November 2012 the charges against the applicant were modified to include a mention that the policeman had sustained a hematoma on his head, leg and shoulder as a result of the applicant's and others' acts.

On 26 November 2012 the Moscow City Court upheld the extension order of 29 October 2012.

On 1 March 2013 the Basmanny District Court granted a new extension of the applicant's detention, until 9 June 2013, essentially on the same grounds and having noted that the circumstances that had justified the detention order had not changed. On 10 April 2013 the Moscow City Court upheld this extension order.

On 24 May 2013 the applicant's criminal case was transferred to the Zamoskvoretskiy District Court of Moscow for determination of criminal charges. On 6 June 2013 the latter court granted another extension of the applicant's detention, until 24 November 2013. This decision concerned all 12 defendants in the case. Having rejected the applicant's request for another measure of restraint, the court held that no other measure could secure the course of justice in this case.

On 2 July 2013 the Moscow City Court upheld this extension order.

(b) Conditions in the detention facility, in the courtroom and during transfer

The applicant was detained in the detention facility IZ-77/5 in Moscow. He claims that he was detained in different cells and that in all of them the conditions had been poor. In particular, he alleges overcrowding, inadequate lighting that put his eyesight at risk, insufficient ventilation, constant exposure to cigarette smoke, excessive heat in summer and cold in winter, inadequate sanitary arrangements, short beds and the lack of outdoor exercise.

On 30 June 2013 the applicant was placed in the detention facility IZ-77/2. He complains of the lack of outdoor exercise and inadequate sanitary arrangements.

The applicant alleges that during the trial he and other 11 defendants are cramped in a small room separated by a plastic partition from the rest of the courtroom. The room lacks space, ventilation and is virtually soundproof, effectively preventing him from participating in the proceedings. The bench has no backrest. The lack of space makes it impossible to have documents or to consult one's counsel during the hearing.

According to the applicant, the convoy room (the "box") where he waits before and after the hearing is too small, poorly equipped, lacks ventilation and light. The applicant cannot use his glasses in the convoy room. During the personal search conducted in the convoy room the applicant is required to strip naked and to perform sit-ups.

The applicant also alleges that he is transported between the detention facility and the courtroom in the overcrowded vans with lacking ventilation. The transfer takes about three hours in the morning and up to five hours in the evening, which deprives him of sleep and hot meals. There is no possibility to use toilet during the transfer.

(c) Medical assistance

On 11 July 2012 the applicant's lawyer filed a written request with the facility chief for a medical examination of the applicant. He alleged that the

applicant had suffered from myopia and asthma. On 20 September 2012 he filed a similar request with the investigator of the applicant's criminal case. On 3 October 2012 the investigator granted the request, but as of January 2013 the medical examination had not been carried out.

4. The application of Mr Kavkazskiy (19327/13)

The applicant, Mr Nikolay Yuryevich Kavkazskiy, is a Russian national, who was born in 1986 and lives in Moscow. He is represented before the Court by Mr A. Babushkin and Mr S. Minenkov, lawyers practising in Moscow.

(a) The applicant's arrest and pre-trial detention

The applicant is a human rights activist, a member of a prominent NGO "Za prava cheloveka".

The applicant claims that on 6 May 2012 he arrived at Bolotnaya Square to take part in a peaceful demonstration, that he was not armed, had no objects that could be used as weapon and that he did not intend to take part in any disorder or clashes with the police.

On 25 July 2012 the applicant's flat was searched. On the same day he was detained on remand on charges of having participated in mass disorders during the demonstration of 6 May 2012.

On 26 July 2012 the Basmanyy District Court of Moscow examined the request to detain the applicant pending criminal investigation. The prosecution indicated, in particular, that the investigation had obtained operative information from undisclosed sources incriminating the applicant. The court found that there had been sufficient reasons to believe that the applicant was likely to abscond, to continue his criminal activity, to threaten witnesses, or to otherwise obstruct the criminal proceedings. It dismissed the applicant's request for an alternative measure of restraint, such as house arrest or a personal guarantee of two public figures; it also dismissed the request to dispense with the pre-trial detention on health grounds and ordered the applicant's detention on remand until 25 September 2012. On 5 September 2012 the Moscow City Court upheld the detention order.

On 24 September 2012 the Basmanyy District Court of Moscow examined the investigator's request to extend the term of the applicant's detention by four months. The court examined the file and extended the applicant's detention on remand, having found that the circumstances that had justified the detention order had not changed. It noted that there had been sufficient reasons to believe that the applicant was likely to abscond, to continue his criminal activity, to threaten witnesses, or to otherwise obstruct the criminal proceedings. It did not elaborate on the reasons and did not refer to concrete facts supporting the likelihood of the adverse consequences of the applicant's release. The extension was granted, as requested, until 6 November 2012.

On 15 October 2012 the Moscow City Court upheld the detention order.

On 31 October 2012 the Basmanyy District Court of Moscow examined the investigator's request to extend the term of the applicant's detention by four months. On essentially the same grounds as earlier the court extended

the applicant's detention until 6 March 2013. On 26 November 2012 the Moscow City Court upheld the extension order.

On 3 March 2013 the Basmanny District Court of Moscow examined the investigator's request to extend the term of the applicant's detention by four months. On essentially the same grounds as earlier the court extended the applicant's detention until 6 July 2013. On 17 April 2013 the Moscow City Court upheld the extension order.

(b) Conditions of detention in the courtroom and during transfer

The applicant alleges that during the trial he and other 11 defendants are cramped in a small room separated by a plastic partition from the rest of the courtroom. The room lacks space, ventilation and is virtually soundproof, effectively preventing him from participating in the proceedings. The bench has no backrest. The lack of space makes it impossible to have documents or to consult one's counsel during the hearing.

According to the applicant, the convoy room (the "box") where he waits before and after the hearing is too small, poorly equipped, lacks ventilation and light.

The applicant also alleges that he is transported between the detention facility and the courtroom in the overcrowded vans with lacking ventilation. The transfer takes about three hours in the morning and up to five hours in the evening, which deprives him of sleep and hot meals.

(c) Medical assistance

According to the applicant, prior to the arrest he had been suffering from a number of medical conditions that required special care and diet. In detention he was not receiving them, and in the first five month of custody he put on about 20 kg of weight and started having regular headaches and back pain.

In November 2012 the applicant complained about the deterioration of his health to the medical unit of the detention facility and requested to conduct medical examination. On 30 November 2012 the applicant requested the facility chief to appoint an in-patient medical examination. The applicant reiterated this request on 14 February 2013.

On 15 April 2013 the applicant was temporarily transferred to the prison hospital, but he claims that no appropriate tests had been carried out. He continues to take medication that had been prescribed before his arrest and which he receives from his family.

5. The application of Mr Kosenko (no. 15669/13)

The applicant, Mr Mikhail Aleksandrovich Kosenko, is a Russian national, who was born in 1975 and lives in Moscow. He is represented before the Court by Mr V.V. Shukhardin, a lawyer practising in Moscow.

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

(a) The applicant's arrest and pre-trial detention

On 8 June 2012 the applicant was arrested on suspicion of having participated in mass disorder and of having used violence against the police during the public event of 6 May 2012.

On 9 June 2012 the Basmanny District Court of Moscow ordered the applicant's detention on remand until 6 July 2012. There is no information whether the applicant appealed against the detention order.

On 15 June 2012 charges were brought against the applicant. He was accused of having participated in mass disorders and of having used violence against the police. In particular, on 6 May 2012 between 4 p.m. and 8 p.m. he allegedly arrived at the site of the demonstration and followed the unlawful calls of other persons instigating the protestors to break through the police cordons surrounding the restricted area designated for the event. In doing so he joined in an assault on K., one of the policemen whose task was to contain the demonstration; unidentified persons removed K.'s helmet and truncheon, and lay him on the ground while hitting and kicking him. The applicant allegedly hit K. once and kicked him once on the body.

On 5 July 2012 the Basmanny District Court of Moscow examined the investigator's request to extend the term of the applicant's detention by four months. The request was supported, *inter alia*, by a certificate stating that the authorities had obtained operative information from undisclosed sources that the applicant had sufficient means to flee Moscow. The applicant requested to select another measure of restraint pending trial, having indicated, in particular, that he had no criminal record; he was a disabled person suffering from a mental disorder (schizophrenia) and was not fit for detention. He also alleged that he had been living with his family at his address, was supervised by a psychiatric medical institution and was receiving his disability pension at that address; he was unable of obstructing the investigation because the witnesses had already been questioned. He contested the operative information relied on by the investigator that he allegedly had sufficient means to flee, as false and unlawfully obtained.

The applicant asked for an alternative measure of restraint, in particular for a release on bail, or under a personal guarantee by two prominent human rights activists, or for a house arrest.

The court examined the file and extended the applicant's detention on remand, having noted that there had been sufficient reasons to believe that the applicant was likely to abscond, to continue his criminal activity, to threaten witnesses, or to otherwise obstruct the course of justice. It did not elaborate on the reasons and did not refer to concrete facts supporting the likelihood of the adverse consequences of the applicant's release. The extension was granted, as requested, until 6 November 2012.

On 24 September 2012 the Moscow City Court upheld the extension of the applicant's pre-trial detention.

On 1 November 2012 the Zmoskvoretskiy District Court of Moscow conducted a preliminary hearing of the applicant's case. The applicant requested to select another measure of restraint pending trial, having indicated, in particular, that the prosecution had not asked for an extension. The court, however, rejected the request and extended the applicant's detention until 22 April 2013. A hearing of the applicant's case was fixed for 9 November 2012.

On 9 November 2012 the applicant challenged his continued detention as unlawful. The court dismissed this complaint.

The applicant appealed against the decisions of 1 November 2012 and 9 November 2012. He requested to reconsider the measure of restraint and to release him under a personal guarantee by two prominent human rights activists who had reiterated their undertaking in writing.

On 13 February 2013 the Moscow City Court dismissed the applicant's appeals.

(b) Medical assistance

From 9 June 2012 to November 2012 the applicant was detained in the detention facility SIZO-4 in Moscow. There had been no medical facilities and the applicant was not receiving any consultations or treatment.

In August 2012 the psychiatric forensic report was issued by a commission of experts. It stated that the applicant had been suffering from a paranoid schizophrenia and that it rendered him unable to understand the nature and the adverse consequences of his acts. It further stated that the applicant was not capable of understanding the nature of criminal proceedings against him, that he posed risk to himself and others and needed to be placed at a psychiatric institution for in-patient treatment.

In the beginning of November 2012 the applicant was transferred to the detention facility SIZO-2 in Moscow which had a hospital wing with a psychiatric department. The applicant's case was disjoined from the main criminal file and was referred to a court for a ruling as to his criminal capacity in view of his mental condition.

At the time of lodging this application the applicant remained in detention and the court had not pronounced on his criminal capacity.

6. The application of Mr Kovyazin (no. 13008/13)

The applicant, Mr Leonid Nikolayevich Kovyazin, is a Russian national, who was born in 1986 and lives in Moscow. He is represented before the Court by Mr R. Chanidze and Mr V. Samarin, lawyers practising in Moscow.

(a) The applicant's arrest and pre-trial detention

From 2006 to 2012 the applicant was a philosophy and philology student at the Vyatskiy State University in Kirov. At the same time, from 15 December 2011 and until his arrest he worked part-time as a video-operator for a newspaper "Vyatskiy Nablyudatel".

On 4 May 2012 the applicant received an assignment from the newspaper chief editor to attend on 6 May 2012 the "March of Millions" on Bolotnaya Square and to take video footage of the event.

The applicant claims that on 6 May 2012 he arrived at Bolotnaya Square, filmed the event and did not take part in any clashes with the police and did not cause disorder.

On 15 May 2012 the applicant submitted the footage from the events of 6 May 2012 in Bolotnaya Square to the editor, and it was published on the newspaper's website.

Until 5 September 2012 the applicant continued his work and studies while living at his usual address. On the latter date he was charged of a criminal offence of participating in mass disorders between 5 p.m. and 8 p.m. on 6 May 2012. He was accused, in particular, of having breached public order during the demonstration, of having turned over portable toilet cabins and having piled them on the road to build a barrier for the police and the militia.

On 7 September 2012 the Basmannyy District Court of Moscow ordered the applicant's detention on remand until 5 November 2012. On 1 October 2012 the Moscow City Court upheld the detention order.

On 30 October 2012 the Basmannyy District Court of Moscow examined the investigator's request to extend the term of the applicant's detention by four months. The applicant requested to select another measure of restraint pending trial. He offered a bail of RUB 750,000, or a personal guarantee signed by his four professors and colleagues. His request for an alternative measure of restraint was supported by six petitions signed by 45 journalists and editors of newspapers, periodicals and on-line media "Novaya Gazeta", "Esquire", "Kommersant", "Vyatskiy Nablyudatel", "Afisha" and "Grani.ru". The applicant also requested to release him on health grounds.

The court examined the file and extended the applicant's detention on remand, having noted that there had been sufficient reasons to believe that the applicant was likely to abscond, to continue his criminal activity, to threaten witnesses, or to otherwise obstruct the course of justice. It did not elaborate on the reasons and did not refer to concrete facts supporting the likelihood of the adverse consequences of the applicant's release. The extension was granted, as requested, until 6 March 2013.

On 28 November 2012 the Moscow City Court upheld the extension of the applicant's pre-trial detention.

(b) Conditions of detention and medical assistance

The applicant was detained in the detention facility SIZO-4 in Moscow. He claims that he was detained in different cells and that in all of them the conditions had been poor. In particular, he alleges overcrowding, insufficient ventilation, excessive heat in summer and cold in winter, inadequate sanitary arrangements, short beds and the lack of outdoor exercise. He also complains that he is unable to receive books and press from his family because of the restrictions on printed material at the detention facility.

On 12 September 2012 the applicant's lawyer filed a written request with the facility chief for a medical examination of the applicant. He alleged that the applicant had suffered from myopia, arthritis and scoliosis and required treatment to prevent complications of these conditions. On 3 October 2012 he filed a similar request with the investigator of the applicant's criminal case claiming that he was unfit for a pre-trial detention. On 5 October 2012 the investigator refused the request as unsubstantiated.

7. The application of Mr Savelov (no. 60882/12)

The applicant, Mr Artem Viktorovich Savelov, is a Russian national, who was born in 1979 and lives in Moscow. He is represented before the Court by Mr F. Murtazin, a lawyer practising in Moscow.

The applicant's arrest and pre-trial detention

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

The applicant claims that on 6 May 2012 he arrived at Bolotnaya Square at about 3 p.m. to take part in the peaceful demonstration, that he was not armed, had no objects that could be used as weapon and that he did not intend to take part in any disorder or clashes with the police.

When the stampede occurred the applicant was accidentally pushed through the police cordon and was arrested; he did not put any resistance to the policemen arresting him. Administrative charges were brought against him on the same day, but he was released, having committed to attend the court hearing of the administrative case on 8 May 2008.

On 8 May 2012 the applicant was convicted of non-compliance with a lawful order by a police officer, an offence under Article 19.3 of the Code of Administrative Offences. He was sentenced to a 24-hour' detention.

On 11 June 2012, at night, the applicant was arrested at home where he lived with his parents. He was suspected of having organised, and participated in, mass disorders, aggravated by violence, arson, destruction of property, use of firearms, explosives and explosive devices, offences provided for by Article 212 §§ 1 and 2 of the Criminal Code.

On 14 June 2012 the Basmanny District Court of Moscow examined the request to detain the applicant pending criminal investigation. It found that that there had been sufficient reasons to believe that the applicant was likely to abscond, to continue his criminal activity, to threaten witnesses, or to otherwise obstruct the course of justice. It dismissed the applicant's request for an alternative measure of restraint, including a RUB 150,000 bail, a personal guarantee and house arrest, and ordered the applicant's detention on remand until 11 August 2012. On 11 July 2012 the Moscow City Court upheld the detention order.

On 19 June 2012 charges were brought against the applicant for having participated in mass disorders, aggravated by violence, and for having used violence against an official (Articles 212 §§ 1 and 2 and 318 § 1 of the Criminal Code).

On 9 August 2012 the Basmanny District Court of Moscow examined the investigator's request to extend the term of the applicant's detention by four months. The prosecution considered that the applicant was likely to obstruct the investigation because of the gravity of charges and because of his alleged connections among football fans and groups of anarchists. He was also considered likely to flee because he was not married, had no stable employment, and had previously been charged with an administrative offence (apparently on account of his conviction of 8 May 2012).

The applicant objected, having denied any connections with football fans or anarchists. He reiterated a request for an alternative measure of restraint, having offered a RUB 150,000 bail, a personal guarantee, a house arrest, or a recognisance not to leave the city of residence and to attend the trial. He also asked to dispense with the pre-trial detention on health grounds.

The court examined the file and extended the applicant's detention on remand having noted that there had remained sufficient reasons to believe that the applicant was likely to abscond, to continue his criminal activity, to threaten witnesses, or to otherwise obstruct the course of justice. It did not

elaborate on the reasons and did not refer to concrete facts supporting the likelihood of the adverse consequences of the applicant's release. The extension was granted, as requested, until 6 November 2012.

On 10 September 2012 the Moscow City Court upheld the extension of the applicant's pre-trial detention.

C. Relevant domestic law

Criminal Code of the Russian Federation provides as follows:

Article 212 Mass disorders

"1. The organisation of mass disorders accompanied by violence, riots, arson, destruction of property, use of firearms, explosives and explosive devices, as well by armed resistance to a public official shall be punishable by four to ten years' deprivation of liberty.

2. The participation in the mass disorders provided for by paragraph 1 of this Article shall be punishable by three to eight years' deprivation of liberty.

3. The instigation of mass disorders provided for by paragraph 1 of this Article, or the instigation of participation in them, or the instigation of violence against citizens shall be punishable by restriction of liberty for up to two years, or community works for up to two years, or deprivation of liberty for the same term."

Article 318 Use of violence against a public official

"1. The use of violence not endangering life or health, or the threat to use such violence against a public official or his relatives in connection with the performance of his or her duties shall be punishable by a fine of up to 200,000 roubles or an equivalent of the convicted person's wages for 18 months, or community works for up to five years, or up to five years' deprivation of liberty..."

COMPLAINTS

All applicants complain under Article 5 § 1 of the Convention that their pre-trial detention was not based on a "reasonable suspicion" that they had committed a criminal offence.

They further complain that their detention on remand was not justified by "relevant and sufficient reasons", as required by Article 5 § 3 of the Convention.

In addition to that, the applicants have made the following individual complaints:

Mr Akimenkov (no. 2613/13)

The applicant complains under Article 3 of the Convention about the allegedly poor conditions of his pre-trial detention in IZ-77/1, IZ-77/5 and IZ-77/2 in Moscow, the allegedly poor conditions in the courtroom and during the prison transfer.

He also alleges a violation of Article 3 of the Convention on account of the allegedly inadequate medical treatment while in detention.

Mr Barabanov (no. 4966/13)

Under Article 5 § 4 of the Convention the applicant complains about the excessively long proceedings in which the Moscow City Court examined his three appeals against the decisions concerning his detention (28 days the first and the second appeals and 26 days the third appeal).

Mr Belousov (no. 2653/13)

The applicant complains under Article 3 of the Convention about the allegedly poor conditions of his pre-trial detention in IZ-77/5 and IZ-77/2 in Moscow, the allegedly poor conditions in the courtroom and during the prison transfer.

He also alleges a violation of Article 3 of the Convention on account of the allegedly inadequate medical treatment while in detention.

Mr Kavkazskiy (no. 19327/13)

The applicant complains under Article 3 of the Convention about the allegedly poor conditions in the courtroom and during the prison transfer.

He also alleges a violation of Article 3 of the Convention on account of the allegedly inadequate medical treatment while in detention.

Under Article 6 the applicant complains that the conditions of detention and the defendants' placement in the courtroom are incompatible with the guarantees of a fair hearing.

Mr. Kosenko (no. 15669/13)

The applicant complains under Article 3 of the Convention that for the first five months of his detention he was not receiving adequate medical assistance in relation to his mental illness. He claims in particular, that medications that had been prescribed to him before the arrest had to be taken under regular psychiatric supervision, but the treatment continued after his arrest without any supervision at all. He claims that his condition had aggravated as a result.

Under Article 5 § 2 of the Convention, he complains that his pre-trial detention was not based on a "reasonable suspicion" that he had committed a criminal offence. This complaint falls to be examined under Article 5 § 1 of the Convention.

Under Article 5 § 4 of the Convention the applicant complains about the excessively long proceedings in which the Moscow City Court examined his appeal against the detention order of 5 July 2012. He claims that these proceedings took 71 days, and that there was no justification for such length.

Mr Kovyazin (no. 13008/13)

The applicant complains under Article 3 of the Convention about the allegedly poor conditions of his pre-trial detention in SIZO-4 in Moscow.

He also alleges a violation of Article 3 of the Convention on account of the authorities' refusal to examine his medical condition in order to assess whether he was fit for a pre-trial detention and to verify if he needed any treatment while in detention.

Mr Savelov (no. 60882/12)

Under Article 5 § 4 of the Convention the applicant complains about the excessively long proceedings in which the Moscow City Court examined his two appeals against the decisions concerning his detention (23 days and 31 days).

QUESTIONS TO THE PARTIES**I. QUESTIONS RELATING TO ALL APPLICANTS**

1. In respect of each of the applicants, the Government are invited to provide an update on the progress of the applicant's criminal case and on the preventive measures currently applied to him (pre-trial detention or other). If the applicant's detention was extended after the date of the applicant's last letter to the Court, the Government are invited to indicate the overall length of the detention and the reasons for the extension, and to produce copies of the relevant detention orders and judicial decisions.

2. In the proceedings in which detention was imposed or extended (remand proceedings), did the courts satisfy themselves that there existed a "reasonable suspicion" against the applicants, as required by Article 5 § 1 (c) of the Convention? In particular, in the remand proceedings did the courts assess evidence showing the existence of such "reasonable suspicion" (see *Khudoyorov v. Russia*, no. 6847/02, § 180, 8 November 2005, and *Shcheglyuk v. Russia*, no. 7649/02, § 43, 14 December 2006)?

3. Having regard to the reasons expressly relied on by the domestic courts in the detention orders (see, for example, *Bykov v. Russia* [GC], no. 4378/02, § 66, 10 March 2009, and *Savenkova v. Russia*, no. 30930/02, §§ 85 and 87, 4 March 2010), was the applicants' detention on remand justified by "relevant and sufficient reasons", as required by Article 5 § 3 of the Convention in conjunction with Article 5 § 1 (c) thereof? In particular:

- Did the courts respect the "presumption in favour of release" (in particular, insofar as the distribution of the burden of proof was concerned (see *Vlasov v. Russia*, no. 78146/01, § 108, 12 June 2008, and *Moiseyev v. Russia*, no. 62936/00, § 154, 9 October 2008)?)
- Did the courts assess specific factual circumstances demonstrating the existence of the risks allegedly posed by the applicants (see, for example, *Panchenko v. Russia*, no. 45100/98, § 107, 8 February 2005; *Dolgova v. Russia*, no. 11886/05, § 49, 2 March 2006; *Mishketkul and Others v. Russia*, no. 36911/02, §§ 57-59, 24 May 2007; *Gusev v. Russia*, no. 67542/01, §§ 80-82, 15 May 2008; *Sizov v. Russia*, no. 33123/08, § 53, 15 March 2011; and *Romanova v. Russia*, no. 23215/02, §§ 127-133, 11 October 2011)?)
- Did the courts examine relevant evidence in order to establish the existence of those facts (see, for example, *Aleksandr Makarov v. Russia*, no. 15217/07, §§ 125-27, 12 March 2009, and *Chumakov v. Russia*, no. 41794/04, § 162, 24 April 2012)?)
- Did the courts consider the possibility of applying less intrusive preventive measures to the applicants, such as bail, house arrest, electronic surveillance, personal sureties and so on (see, for example, *Pshevecherskiy v. Russia*, no. 28957/02, §§ 69-71, 24 May 2007; *Tsarkov v. Russia*, no. 16854/03, § 70, 16 July 2009; *Miminoshvili v. Russia*, no. 20197/03, § 92, 28 June 2011; and *Fedorenko v. Russia*, no. 39602/05, § 71, 20 September 2011;)

see also the ruling of 22 October 2009 by the Supreme Court of the Russian Federation)?

- Did the courts have due regard to the changing situation of the defendants and the evolving needs of the proper conduct of the proceedings when extending the detention (see, for example, *Aleksanyan v. Russia*, no. 46468/06, § 191, 22 December 2008; *Sizov v. Russia*, cited above; and *Sokurenko v. Russia*, no. 33619/04, § 87, 10 January 2012)?

4. Did the authorities display “special diligence” in the conduct of the proceedings against the applicants, as required by Article 5 § 3 of the Convention? In particular, did the courts assess specific procedural actions which needed to be taken during the investigation and the trial, and the reasons why those actions had not been taken earlier or could not have been taken more promptly (see *Valeriy Samoylov v. Russia*, no. 57541/09, § 123, 24 January 2012, and *Syngayevskiy v. Russia*, no. 17628/03, §§ 82-86, 27 March 2012)?

II. QUESTIONS RELATING TO INDIVIDUAL APPLICANTS

Mr Akimenkov (no. 2613/13)

(i) Were the conditions of the applicant’s detention in the detention facilities IZ-77/1, IZ-77/5 and IZ-77/2 in Moscow 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 each facility.

(ii) Were the conditions of transport of the applicant from the detention facility to the courthouse and back compatible with Article 3 of the Convention?

(iii) Were the conditions of the applicant’s detention during the hearing at the Moscow City Court compatible with Article 3 of the Convention? The Government are requested to comment on allegations made by the applicant, in particular as regards the convoy room and the hearing room of the courthouse.

(iv) Have the Government met their obligation to ensure that that the 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?

Mr Barabanov (no. 4966/13)

Did the length of the proceedings before the Moscow City Court in the present case, by which the applicant sought to challenge the lawfulness of his pre-trial detention ordered on 30 May 2012 and extended on 4 July 2012 and 31 October 2012, comply with the “speed” requirement of Article 5 § 4 of the Convention?

Mr Belousov (no. 2653/13)

(i) Were the conditions of the applicant's detention in the detention facilities IZ-77/5 and IZ-77/2 in Moscow 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 each facility.

(ii) Were the conditions of transport of the applicant from the detention facility to the courthouse and back compatible with Article 3 of the Convention?

(iii) Were the conditions of the applicant's detention during the hearing at the Moscow City Court compatible with Article 3 of the Convention? The Government are requested to comment on allegations made by the applicant, in particular as regards the convoy room and the hearing room of the courthouse.

(iv) Have the Government met their obligation to ensure that the 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?

Mr Kavkazskiy (no. 19327/13)

(i) Were the conditions of transport of the applicant from the detention facility to the courthouse and back compatible with Article 3 of the Convention?

(ii) Were the conditions of the applicant's detention during the hearing at the Moscow City Court compatible with Article 3 of the Convention? The Government are requested to comment on allegations made by the applicant, in particular as regards the convoy room and the hearing room of the courthouse.

(iii) Have the Government met their 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?

Mr Kosenko (no. 15669/13)

(i) Given the applicant's history of mental illness, have the Government met their 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?

(ii) Did the length of the proceedings before the Moscow City Court in the present case, by which the applicant sought to challenge the lawfulness of his pre-trial detention extended on 5 July 2012, comply with the "speed" requirement of Article 5 § 4 of the Convention?

Mr Kovyazin (no. 13008/13)

(i) Were the conditions of the applicant's detention in the detention facility SIZO-4 in Moscow 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 that facility.

(ii) Taking into account the applicant's requests for a medical examination, have the Government met their obligation to ensure that that the 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?

Mr Savelov (no. 60882/12)

Did the length of the proceedings before the Moscow City Court in the present case, by which the applicant sought to challenge the lawfulness of his pre-trial detention ordered on 14 June 2012 and extended on 9 August 2012, comply with the "speed" requirement of Article 5 § 4 of the Convention?

APPENDIX

No	Application No	Lodged on	Applicant Date of birth Place of residence Nationality	Represented by
1.	60882/12	10/09/2012	Artem Viktorovich SAVELOV 14/05/1979 Moscow Russian	Farit Tagirovich MURTAZIN
2.	2613/13	09/01/2013	Vladimir Georgiyevich AKIMENKOV 10/06/1987 Moscow Russian	Dmitriy Vladimirovich AGRANOVSKIY
3.	2653/13	20/12/2012	Yaroslav Gennadiyevich BELOUSOV 30/07/1991 Moscow Russian	Dmitriy Vladimirovich AGRANOVSKIY
4.	4966/13	26/12/2012	Andrey Nikolayevich BARABANOV 25/06/1990 Moscow Russian	Svetlana Ivanovna SIDORKINA
5.	13008/13	12/02/2013	Leonid Nikolayevich KOVYAZIN 28/09/1986 Moscow Russian	Ruslan Kemalovich CHANIDZE
6.	15669/13	18/02/2013	Mikhail Aleksandrovich KOSENKO 08/07/1975 Moscow Russian	Valeriy Vladimirovich SHUKHARDIN
7.	19327/13	31/01/2013	Nikolay Yuryevich KAVKAZSKIY 16/10/1986 Moscow Russian	Andrey Vladimirovich BABUSHKIN