

*(Translated from Russian)*

Permanent Mission of the Russian Federation to the United Nations Office and other international organizations at Geneva

No. 536

The Permanent Mission of the Russian Federation to the United Nations Office and other international organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to transmit herewith the reply of the Russian Federation to the request of the Special Rapporteurs of the Human Rights Council on the rights of persons with disabilities, on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and on torture and other cruel, inhuman or degrading treatment or punishment and the Vice-Chair of the Working Group of the Human Rights Council on arbitrary detention regarding the situation of [REDACTED]

*Reference: AL RUS 9/2017*

The Permanent Mission of the Russian Federation takes this opportunity to convey to the Office of the United Nations High Commissioner for Human Rights the renewed assurances of its highest consideration.

Geneva, 15 February 2018

Office of the United Nations High Commissioner for Human Rights  
Geneva

HRC/NONE/2018/26  
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**Information from the Russian Federation in response to the request from the special procedures of the United Nations Human Rights Council regarding the situation of**

Reference: AL RUS 9/2017

██████████ born in ██████████ was convicted on 9 July 2014 by the North Caucasus area military court of offences under the Criminal Code of the Russian Federation, articles 205 (act of terrorism), 222 (illegal acquisition, transfer, dealing in, storage, transport or carrying of weapons, their component parts or munitions) and 295 (attempt on the life of a person administering justice or conducting a preliminary investigation). He was sentenced to life imprisonment in a special regime correctional colony. Once the sentence had acquired legal force, Mr. ██████████ was sent to correctional colony No. 6 of the Department of the Federal Penal Service for Orenburg Province, located near Sol'-Iletsk, in accordance with article 73 (4) of the Penalties Enforcement Code of the Russian Federation. He arrived at the correctional colony on 1 April 2016.

It should be emphasized that the decision to send Mr. ██████████ to correctional colony No. 6 was taken with due regard to the judgment of the European Court of Human Rights of 27 November 2014 in the case of ██████████ v. *Russia*, which originated in an application lodged on 12 August 2013.

In this judgment, the European Court found, inter alia, a violation of article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms in respect of a failure to provide the applicant with appropriate medical care during the time in which he was held in a remand centre.

In its judgment of 12 October 2017 on Mr. ██████████ second application (lodged on 13 November 2015) regarding the failure to provide appropriate conditions in which he could serve his sentence in the correctional colony, the European Court did not find a violation of the applicant's rights in respect of the medical care provided for him. The European Court noted the following: "Turning to the quality of the treatment in the correctional colony, the Court notes the absence of expert reports on the issue. It cannot rely on the expert findings made in respect of the remand prison, because of the significant difference in the type of the facility, the level of treatment afforded, and the time which has lapsed since the most recent report. Having regard to the complexity of the applicant's medical condition and the absence of any explanatory medical evidence supporting the applicant's arguments, the Court does not find that it is competent to identify shortcomings in the medical care given to the applicant in the colony. It cannot therefore establish beyond reasonable doubt that the treatment afforded to the applicant in the colony ran counter to the requirements of article 3 of the Convention. Therefore, there was no violation of the Convention in that respect."

In implementation of the European Court's judgment on Mr. ██████████ first application, the competent Russian State authorities took a number of measures to eliminate and prevent further violations, of which the Committee of Ministers of the Council of Europe was duly informed. Efforts are being made to implement the judgment on the second application.

The results of the medical examination that Mr. ██████████ underwent on arrival at the institution confirmed his existing medical conditions. It was determined that there was nothing to indicate that Mr. ██████████ should be treated in an inpatient facility specialized in a particular branch of medicine, for example cardiology, neurology, endocrinology or urology. He was placed under outpatient medical observation, as part of which laboratory tests and physical examinations are carried out and specialists are consulted in order to determine the recommended treatment. He was prescribed a permanent medication regimen for his existing conditions, a mattress to prevent pressure sores and relevant care interventions. He was also placed on a diet to limit the intake of animal fats, salts and easily digestible carbohydrates.

Mr. ██████████ was also examined by a physiotherapist from Sol'-Iletsk City Hospital on his arrival at the institution. He was recommended to complete a given series of physiotherapy exercises by himself once a day.

These recommendations are in line with the personal rehabilitation or habilitation programme issued for Mr. [REDACTED] by the Central Medical and Social Assessment Office for the Republic of [REDACTED] a federally funded institution (programmes of this kind are prepared for all persons with disabilities). The medical wing of correctional colony No. 6 requested further information on this programme from the Central Medical and Social Assessment Office for Orenburg province, a federally funded institution, as soon as Mr. [REDACTED] had arrived at the institution to serve his sentence.

The programme indicates that, on the list of categories of activity limitation, Mr. [REDACTED] has a grade II limitation on his capacity to care for himself, which means that he is capable of caring for himself with the use of assistive devices and partial assistance from others. In his case, he is still capable of caring for himself with the use of technical devices, specially adapted living spaces and household items, and partial help from others, mainly to meet day-to-day needs in terms of, inter alia, food preparation, shopping for food, clothing and household items, laundry, the use of certain household appliances and cleaning.

On 9 August 2016, a member of the duty medical staff was assigned to conduct ongoing monitoring of Mr. [REDACTED]. A personalized patient management plan was drawn up, setting out the scope and frequency of the diagnostic and therapeutic measures that he was to undergo. In addition, a specialist from Sol'-Iletsk city hospital was appointed specifically to conduct monitoring within the framework of the government contract that had been concluded for the provision of medical care for persons held on remand and serving sentences in places of deprivation of liberty.

In accordance with his outpatient medical observation schedule, Mr. [REDACTED] undergoes general tests, an electrocardiogram and a chest X-ray once every six months and [REDACTED] an echocardiogram, and [REDACTED] once a year. His [REDACTED] level is tested once or twice a day, his [REDACTED] once a week, and his [REDACTED] and [REDACTED] levels once a month.

Mr. [REDACTED] is regularly examined by specialists (a cardiologist, neurologist, urologist, endocrinologist and ophthalmologist) from the Ministry of Health for Orenburg Province, two provincial teaching hospitals and Sol'-Iletsk City Hospital. On 11 August 2016, 25 October 2016, 16 December 2016, 19 April 2017, 21 September 2017 and 8 December 2017, medical panels involving a senior cardiologist, endocrinologist, neurologist, urologist and dietician from the Ministry of Health for Orenburg Province, as well as an independent primary care physician from Sol'-Iletsk district, were convened in the presence of doctors from Medical Centre No. 56 of the Federal Penal Service of Russia. Their purpose was to monitor the diagnostic and therapeutic measures prescribed for Mr. [REDACTED]. On each occasion, the original diagnoses were confirmed, and the advice given was that he should follow the original recommendations. The reports drawn up following these panel meetings indicate that Mr. [REDACTED] health remains stable.

In correctional colony No. 6, Mr. [REDACTED] is serving his sentence in a residential cell in the inpatient unit of medical wing No. 6, which is a branch of Medical Centre No. 56 of the Federal Penal Service of Russia, a federally funded health-care institution. He shares his cell with one other inmate. The cell measures 19.5 m<sup>2</sup>, which meets the requirements of article 99 of the Penal Enforcement Code. The sanitary conditions in the cell are satisfactory. It is connected to piped water and sanitation systems. Disability adaptations have been made to the cell: the sleeping area has been increased in width by 15 cm and fitted with an orthopaedic mattress; a handrail has been installed on the wall; the height of the sink has been adjusted for ease of use and now stands at 80 cm; the dining table has been enlarged to accommodate a wheelchair; and all thresholds have been fitted with semicircular ramps. The cell contains a refrigerator and a television. To allow inmates to answer the call of nature in privacy, the lavatory in the cell is separated from the common area by a screen fitted with a door. The entrance to the lavatory has also been fitted with a ramp. In order to ensure the accessibility of correctional colony No. 6 to persons with disabilities, ramps and handrails have been installed in the medical wing and in buildings with facilities for long visits.

Mr. [REDACTED] has been given an N-035 wheelchair (intended for outdoor use and use on hard surfaces by patients and persons with disabilities). He has been provided with a [REDACTED] [REDACTED] for use in the day and [REDACTED] for use at night.

Mr. [REDACTED] is a proficient wheelchair user. He has not requested wheelchair training.

Pursuant to article 127 (2) of the Penalties Enforcement Code, inmates are entitled to a daily walk of 1.5 to 2 hours in duration. Mr. [REDACTED] is supervised by officers from the administration as he moves around correctional colony No. 6 in his wheelchair, without handcuffs. The institution's officers help him to navigate any obstacles.

There have been no identified instances of Mr. [REDACTED] being denied medical care or having his rights violated in the delivery of medical care. Treatment is carried out in accordance with medical care delivery standards.

In the period 2016–2017, the Procurator's Office for Orenburg Province carried out multiple checks in response to applications from Mr. [REDACTED] lawyers and members of the public monitoring commission for Orenburg Province. They established the following.

During his time in correctional colony No. 6, Mr. [REDACTED] health status has remained satisfactory and, according to doctors, has not deteriorated. There are no indications that he should be treated in a specialized inpatient facility. It was recommended that he should continue to be treated in the medical wing of correctional colony No. 6.

This medical wing stocks the essential medicines included on the list of life-saving and vital medicines approved by Government of the Russian Federation Decree No. 2882-r of 28 December 2016, including those used to treat the illnesses and conditions with which Mr. [REDACTED] has been diagnosed, in addition to medical equipment and supplies.

Mr. [REDACTED] has been recommended to take medicines included in the above-mentioned list, which has been drawn up using international non-proprietary names. However, during his treatment, he has insisted on using branded medicines produced abroad and acquired on his behalf by relatives. Existing criminal-procedure legislation does not prohibit inmates or their relatives from acquiring additional medicines, if they so wish. It had previously been brought to Mr. [REDACTED] attention that generic forms of these medicines could be prescribed as part of his treatment plan. On 21 October 2016, he himself wrote an application in which he requested to cease taking all the medicines that he had been taking in recent years and was taking at the time.

The specialists who participated in the medical panels did not identify any signs of [REDACTED] in Mr. [REDACTED] legs.

The interventions listed in Mr. [REDACTED] personal rehabilitation or habilitation programme are being carried out.

There are no grounds for the obligatory application to Mr. [REDACTED] of the requirements of the sectoral standard entitled "Patient Management Protocol. Pressure Sores", approved by Ministry of Health order No. 123 of 17 April 2002. This is because, as stated in paragraph 6.1.2 of the standard, it is a care model for patients who are fully immobile. However, the reports of the medical panels of specialists from the Ministry of Health for Orenburg Province, Orenburg Province Teaching Hospital and Sol'-Iletsk City Hospital, which took into account the results of the ongoing monitoring of Mr. [REDACTED] conducted by specialists from the medical wing of correctional colony No. 6, do not indicate that he is permanently immobile. He is still partially capable of caring for himself.

The fact that officers from correctional colony No. 6, the medical wing and inmates assist Mr. [REDACTED] in his day-to-day activities and in moving around the correctional colony and entering and exiting its buildings, including with the use of a wheelchair, does not restrict his rights and legitimate interests. Moreover, it is in line with Ministry of Justice of the Russian Federation order No. 202 of 19 August 2015 approving a procedure for ensuring the accessibility for persons with disabilities of physical infrastructure (administrative buildings, structures, units and facilities) of the Ministry of Justice of Russia, local bodies of the Ministry of Justice of Russia, federally funded institutions of the Ministry of Justice of Russia, and local bodies and institutions of federal bodies that report

to the Ministry of Justice of Russia and of services rendered in the sphere of justice, as well as for providing necessary assistance to persons with disabilities in that regard.

There have been no reported instances of inappropriate behaviour, threats or unlawful actions against Mr. [REDACTED] on the part of the institution's officers and medical personnel.

Copies of the applications received from Mr. [REDACTED] and his representatives were sent to the local body of the Federal Health-Care Oversight Service for Orenburg Province so that the legality of the actions of the specialists from the Ministry of Health for Orenburg Province, the Orenburg Province teaching hospitals and the medical wing of correctional colony No. 6 who participated in the medical panels convened in relation to his case could be examined and so that checks of the timeliness and comprehensiveness of the medical care provided by officers of the medical wing of correctional colony No. 6 to treat his [REDACTED] could be carried out. It was determined that there were no grounds on which to conduct unscheduled checks of the activities of these medical institutions.

On 15 December 2017, the Sol'-Iletsk District Court in Orenburg province rejected Mr. [REDACTED] request for release on medical grounds. The court's ruling was issued with due regard to the report of the special commission that carried out a medical examination of Mr. [REDACTED] on 11 December 2017, which stated that his existing conditions were not included in the designated list of conditions for which the serving of sentences is prohibited, as approved by Government of the Russian Federation order No. 54 of 6 February 2004.

In addition, on 13 December 2017, the Sol'-Iletsk District Court terminated proceedings in the case brought to contest the actions of officials from the medical wing of correctional colony No. 6 with regard to the failure to provide adequate medical care, as Mr. [REDACTED] waived his administrative claim.

In the period 2016–2018, Mr. [REDACTED] and his lawyers did not apply to the Sol'-Iletsk court for an independent medical commission to be convened to study his health status.

