

PRIOR AND ONGOING CASES BEFORE RUSSIAN COURTS

December 2014

CASE NAME: *Teplinskaya (Abduysheva)* (multiple cases)

STRATEGIC FOCUS: Access to health care

SUMMARY: A female complainant was denied opioid substitution treatment. The case has been communicated to the Russian Government by the European Court of Human Rights.

CASE NAME: *Anoshkin* (multiple cases)

STRATEGIC FOCUS: Criminalization of people who use drugs, Access to health care

SUMMARY: A male complainant was denied opioid substitution treatment (OST). The complainant was also arbitrarily detained and tortured while in custody. The case regarding the denial of OST has been communicated jointly with the case of *Teplinskaya* to the Russian Government by the European Court of Human Rights.

CASE NAME: *Konyshev*

STRATEGIC FOCUS: Criminalization of people who use drugs

SUMMARY: After testifying on federal television against a Russian NGO (which was torturing people who use drugs under the false pretense of drug “treatment”), a male complainant was arbitrarily detained and sentenced to five years imprisonment. Charges brought against him by police were based on falsified evidence by the same representatives of the NGO against whom the complainant testified on television. The complainant’s right to fair trial was seriously violated. The case is currently pending at the European Court of Human Rights.

CASE NAME: *Polushkin* (multiple cases)

STRATEGIC FOCUS: Criminalization of people who use drugs, Access to health care

SUMMARY: A male complainant was denied opioid substitution treatment. The complainant was also arbitrarily detailed and tortured while in custody. He was acquitted on charges against him by the appellate court.

CASE NAME: *Shpagina* (multiple cases)

STRATEGIC FOCUS: Discrimination against people who use drugs (specifically, denial of reproductive rights)

SUMMARY: A pregnant female complainant was denied opioid substitution treatment. The case is pending at the European Court of Human Rights.

CASE NAME: *Yakovleva*

STRATEGIC FOCUS: Criminalization of people who use drugs

SUMMARY: A female complainant with young children was denied appropriate drug treatment. She appointed an outreach worker as her public defender, as is her right, and due to the outreach

worker's engagement Yakovleva was released from prison and the case against her was terminated. This is precedent-setting case in Russia, as it was the first time an outreach worker was admitted to a trial as a public defender

CASE NAME: *Kamskaya (which is the name of a TB hospital)*

STRATEGIC FOCUS: Discrimination against people who use drugs, Freedom of expression (in support of people who use drugs)

SUMMARY: An interview of a drug-dependent person about his torturous experience in Kamskaya TB Hospital was published by the federal newspaper. The hospital's administration sued the drug user for libel. The case is currently before the appellate court.

CASE NAME: *Matveev v. Russia*

STRATEGIC FOCUS: Criminalization of people who use drugs

SUMMARY: A male complainant with drug dependency was arbitrarily detained for his human rights activities and anti-corruption campaigning. In 2013, the United Nations Working Group on Arbitrary Detention released its opinion that Matveev's right to a fair trial was violated and that he should be released from prison. The Russian Supreme Court refused to reconsider Matveev's case based on the opinion of the Working Group. Complaints have been filed with the European Court of Human Rights and the Russian Constitutional Court.

CASE NAME: *Kurmanajevsky v. Russia*

STRATEGIC FOCUS: Discrimination against people who use drugs

SUMMARY: A drug dependency treatment clinic and a prosecutor's office disclosed the complainant's diagnosis of drug dependence. The case is now going to the United Nations Human Rights Committee.

CASE NAME: *Zelenina*

STRATEGIC FOCUS: The role of an independent expert in drug cases

SUMMARY: A scientist who provided several forensic reports in drug cases in Russia has been unfairly and unlawfully targeted by the Russian government for her findings. The case is now before trial court.

CASE NAME: *Malyshv v. Health Authorities*

STRATEGIC FOCUS: Access to health care

SUMMARY: A male complainant was denied free diagnostics for hepatitis C, which should be available free of charge according to the Russian Constitution. The appellate court restored his rights. The case is precedent-setting as the appellate court asserted that a lack of money in the state budget does not release health authorities from their obligation to provide health care services free of charge.

CASE NAME: Andrey Rylkov Foundation (ARF) v. President

STRATEGIC FOCUS: Freedom of expression (in support of people who use drugs)

SUMMARY: In April 2011, ARF secured recommendations from the Committee on Economic, Social and Cultural Rights (CESCR) regarding the opioid substitution therapy (OST) in Russia. In their response rejecting these recommendations, Russian authorities (on behalf of the President) provided the public with misleading information aimed at discrediting OST. ARF filed a complaint with the United Nations Human Rights Committee; the Committee rejected the complaint as going beyond the scope of the right to receive information. This case illustrates the need for informing

United Nations human rights bodies about the magnitude of factual misinformation related to drugs which state authorities submit publicly in order to justify their arbitrary and discriminatory law, policies and practices.

CASE NAME: *ARF v. Federal Drug Control Service (FDCS)*

STRATEGIC FOCUS: Freedom of expression (in support of people who use drugs)

SUMMARY: In February 2011, the ARF website was banned by the FDCS for drug propaganda. All domestic remedies have been exhausted. A complaint was filed with the European Court of Human Rights claiming violation of the right to freedom of information.

CASE NAME: *Delphinov v. FDCS and Health Authorities*

STRATEGIC FOCUS: Freedom of expression (in support of people who use drugs)

SUMMARY: A Russian journalist is challenging misleading statements made by Russian officials regarding opioid substitution therapy. After exhausting domestic remedies, a complaint was filed with the European Court of Human Rights claiming violation of the right to receive information.

CASE NAME: *International HIV/AIDS Alliance v. Ukraine*

STRATEGIC FOCUS: Criminalization of people who use drugs

SUMMARY: In 2010, the Ukrainian Minister of Health significantly and repeatedly decreased the threshold possession quantities of opium, which was then challenged in court. After exhausting domestic remedies, a complaint was filed with the European Court of Human Rights claiming violation of the right to a fair trial.

CASE NAME: *Silver Rose (a sex workers' association) v. Russia*

STRATEGIC FOCUS: Discrimination against people who use drugs

SUMMARY: In 2013, an association of sex workers and their supporters was established in Russia. However, its incorporation was refused by the Russian Ministry of Justice, which denied that such an occupation could even exist. All domestic remedies have been exhausted. A complaint will be filed with the European Court of Human Rights claiming violations of the rights to freedom of association and to be free from discrimination.