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Mr Dolmatov's detention in the Netherlands

Written question No. 637 to the Committee of Ministers
by Mr Tiny KOX, Netherlands, Group of the Unified European Left and Mr Andreas GROSS, Switzerland, Socialist Group

Alexander Dolmatov was a Russian engineer and political activist. He was arrested several times in Russia and decided to flee to the Netherlands where he asked for political asylum. His application was refused, but his lawyer lodged an appeal. Nevertheless the Dutch authorities put him in detention and prepared for immediate extradition to Russia. After an earlier failed suicide attempt in detention, Mr. Dolmatov committed suicide on 17 January 2013.

The results of the investigation published by the Dutch authorities in April 2013 were that:

- Mr. Dalmatov should not have been in the detention center. A failure in a computer form meant that he was taken in detention and was to be extradited. Under Dutch law he was entitled to wait for his appeal in freedom. It turned out that this kind of failure has taken place almost 300 times.

- Mr. Dolmatov was not placed under suicide watch, even after having committed a first suicide attempt. He was not seen by a psychiatric nurse or doctor.

- Mr. Dolmatov never had the opportunity to call his own lawyer (who had lodged the appeal). The lawyer he did see seems to have been unaware of the fact that he was to be extradited.

- Mr. Dolmatov did not have chance to even call his mother while in detention.

In 2011 the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited the Rotterdam detention center, where Mr. Dolmatov was held. The CPT recommended the following:

- the medical staffing level be increased;

- ensure that the persons requiring psychiatric assessment and/or treatment, whatever their legal status, can get it;

- ensure that foreign nationals receive a written translation in a language they understand of the decisions concerning their detention, as well as of the modalities and deadlines to appeal against such decisions.

The Dutch Government had not yet given a reply to the CPT report.

Mr. Gross and Mr. Kox,

To ask the Committee of Ministers,

- was Mr. Dolmatov held in detention on proper legal grounds, did he get proper care in detention and did he have access to his own lawyer?

- will the Committee of Ministers contact the Dutch authorities and ask them whether they are willing to send a reply to the CPT report as soon as possible?

- did the Netherlands take action on any of the recommendations on the Rotterdam detention center and if so, were these actions appropriate and sufficient according to the standards of the CPT?

Other signatories (see overleaf)

Other signatories[1]*:*

GROSS Andreas, Switzerland, SOC

1. SOC: Socialist Group
   UEL: Group of the Unified European Left