

CASE DIGEST

Abuse of Detainees in Russia: Article 3 ECHR

October 2012 - August 2014

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This summary presents summaries of decisions relating to the prohibition of torture and degrading treatment (Article 3) within the Russian Federation relating to the treatment of people in detention, delivered by the European Court of Human Rights between October 2012 and August 2014.

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1. Valeriy Lopata v. Russia

30 October 2012, ECtHR, Application no. 19936/04

Facts. The applicant complained that the conditions of his detention in various detention centers and remand prisons from 15 May 2003 until 12 April 2006 had been deplorable. The parties disagreed on the conditions of the applicant's detention, including the size of the cells, the number of beds, and the number of detainees in the cells. Most importantly, the Government denied that the cells in question were overcrowded or cramped, and submitted official certificates to that effect provided by the authorities of the detention centers and partly covering the period in question.

Findings. Having studied the documents submitted by the parties, the Court found that it need not resolve the parties' disagreements on all of the aforementioned points as the case file contained sufficient documentary evidence to confirm the applicant's allegations of severe overcrowding, which is in itself sufficient to find a breach of Article 3 of the Convention. The Court also noted that the Government's descriptions for the years 2003-2004 relied on incomplete data in respect of some of the cells in which the applicant was detained for some periods of time. Since the Government did not support their own submissions with reference to original documentation covering in full the period in question, the Court accepted the applicant's point that the overcrowding of cells was a problem in all three detention facilities at the time he was detained there.

Link to [full decision](#) (PDF)

2. Maksim Petrov v. Russia

6 November 2012, ECtHR, Application no. 23185/03

Facts. The applicant complained that the conditions of his detention in the Inter-District Temporary Detention Centre and remand prison IZ-47/1 in St Petersburg from 17 January 2000 to 21 November 2003 had been deplorable.

Findings. The Court noted that the applicant was transported in prison vans occupied by a number of inmates which was twice that of the vans' design capacity. He was transported in cramped conditions on no fewer than thirty two occasions over a period of one year, two months and four days. On those days he was not provided with adequate nutrition and was confined in unacceptable conditions at the assembly section in the remand center. The above treatment occurred during his trial, when he most needed his powers of concentration and mental alertness. The Court took the view that the above considerations, taken cumulatively, were sufficient to exceed the minimum level of severity and thus constituted inhuman and degrading treatment in violation of Article 3 of the Convention.

Link to [full decision](#) (PDF)

3. Dirdizov v. Russia

27 November 2013, ECtHR, Application no. 41461/10

Facts. The applicant complained that the authorities have not taken steps to safeguard his health and well-being, failing to provide him with adequate medical assistance in breach of Article 3. The applicant was suffering from arthritis and progressive Bechterew's disease. Medical expert evidence supported that the applicant's medical condition, given the rapid deterioration of his health, required treatment in a specialized hospital. The doctors also noted that a failure to respect that condition would be a threat to the applicant's life and would lead to his becoming disabled. The applicant further complained that he was provided cheaper drugs instead of the medicine required for his condition, leading to hearing and eyesight impairment, damage to kidneys and liver and loss of ability to move. The authorities refused to admit him to a prison hospital or release him from detention, despite the rapid deterioration of his health. Prison medical staff was unequipped and not trained to monitor his condition. The lack of medical assistance subjected the applicant to extreme suffering.

Findings. The Court observed that applicant's very serious medical conditions at the time of detention were known to the Russian authorities. The rapid progressive nature of his illness made that the applicant required regular medical supervision by specialists and complex treatment. The evidence suggested that this had not been fulfilled in the conditions of detention. For example, alternative painkillers or herbal sedatives were prescribed without proper assessment of his condition and specialist recommendations were not followed through due to lack of resources. The Court thus finds that the applicant has not received comprehensive, effective and transparent medical treatment for his illness while in detention. It believes that, as a result of this lack of adequate medical treatment, the applicant has been exposed to prolonged mental and physical suffering diminishing his human dignity. The authorities' failure to provide the applicant with the medical care he needs has amounted to inhuman and degrading treatment within the meaning of Article 3 ECHR.

Link to [full decision](#) (PDF)

4. Kulikov v. Russia

27 November 2012, ECtHR, Application no. 48562/06

Facts. The applicant complained of inhuman conditions during his detention in remand prison no. IZ-66/1 in Yekaterinburg from 27 May to 8 August 2006 and in correctional facility no. IK-5 in the Sverdlovsk Region from 15 August 2006 to 19 August 2009.

Findings. The Court considered that the level of privacy available to the applicant was insufficient to comply with the standards set forth in Article 3 of the Convention. For over three years, during the night, the applicant was housed in a dormitory with at least 135 other persons where he was afforded only 1.3 square meters of personal space. Furthermore, in the Court's view, the sanitary facilities available were not sufficient to accommodate the needs of the detainees. There were only eight to nine wash basins and two to three toilets available for at least 135 detainees. Lastly, the Court observed that on seven occasions the applicant was transferred to a disciplinary cell where he at times enjoyed more than 6 square meters of personal space.

However, given the infrequency and the brevity of such periods of detention, the Court does not consider them to have alleviated the applicant's situation. The Court accordingly found a violation of Article 3 ECHR.

[Link to full decision](#) (PDF)

5. Reshetnyak v. Russia

8 January 2013, ECtHR, Application no. 56027/10

Facts. The applicant suffered from tuberculosis and complained that the authorities in colony no. 8 had not taken steps to safeguard his health and well-being, failing to provide him with adequate medical assistance in breach of Article 3 of the Convention. He also complained under the same Convention provision that the conditions of his detention in the medical colony had been appalling. The applicant stressed that he had been unable to obtain the medical assistance he needed while in detention, relying on medical records to show that his condition had continued deteriorating even after the authorities had acknowledged that he had become disabled. He noted that for years the colony had not received necessary antibacterial medicines and lacked sufficient medical specialists. It was impossible for inmates to receive daily medical assistance, given that doctors only saw patients for two-and-a-half hours per day, thus affording only a very short visit to each inmate. The applicant submitted that a large number of inmates died each year, with the number of deaths being bigger than at any other correctional facility in Russia. The lack of medical assistance had subjected him to extreme suffering. The applicant further argued that his condition had been further exacerbated by the appalling conditions of his detention. He had been detained with many sick inmates in severely overcrowded conditions for years. His ability to leave the dormitory and to stay in the recreation yard could not have compensated for the lack of personal space, as the yard had also been too small to accommodate such a large number of inmates and had not offered any protection from the rain, sun or cold.

Findings. The Court found that despite applicant's long term illness and signs of multi-drug resistance, it was not until 2011 that drug susceptibility testing was performed (applicant had been incarcerated since 2006). The test revealed that the applicant suffered from multidrug-resistant tuberculosis, being infected with strains resistant to at least two of the drugs with which he had been treated during all those years. The Court found it unsatisfactory that for so many years the colony medical personnel did not take any steps to establish the cause of the applicant's failing treatment, having disregarded the continuous deterioration of his condition. While the Court found the absence of proper testing in order to establish the most adequate treatment formula to be the major flaw in the medical care afforded to the applicant in detention, it also does not lose sight of numerous other errors and defects in the medical services he received in the colony. The mere fact that a detainee is seen by a doctor and prescribed a certain form of treatment cannot automatically lead to the conclusion that the medical assistance was adequate. The Court reiterates that the authorities' inability to assure a regular, uninterrupted supply of essential anti-tuberculosis drugs to patients is a key factor in tuberculosis treatment failure. Furthermore, the Court notes long delays between episodes of deterioration of the applicant's health and the authorities' response to them. The Court thus found that the applicant did not receive comprehensive, effective and transparent medical treatment for his illness during his detention in

the medical correctional colony. The authorities' failure to provide the applicant with the medical care he needed amounted to inhuman and degrading treatment within the meaning of Article 3 ECHR.

[Link to full decision](#) (PDF)

6. Velichko v. Russia

15 January 2013, ECtHR, Application no. 19664/07

Facts. The applicant complained that he had been detained in the temporary detention center in Severomorsk in conditions incompatible with the provisions of Article 3 of the Convention. In his opinion, he had been subjected to hardship exceeding the inevitable level of suffering associated with detention in custody, his health and well-being having been exposed to risk and danger.

Findings. The Court noted that the cells in which the applicant was repeatedly held for over eight months had been designed for short-term detention not exceeding ten days. Accordingly, they lacked the basic amenities indispensable for extended detention. The cells did not have a window and offered no access to natural light or air. There was no toilet or sink. At night, if the applicant wished to go to toilet, he had to use a bucket. Lastly, throughout his detention there, the applicant was confined to his cell for practically twenty-four hours a day without any opportunity to pursue physical and other out-of-cell activities. In the Court's opinion, such conditions of detention must have caused him considerable mental and physical suffering diminishing his human dignity, which amounted to degrading treatment within the meaning of Article 3 ECHR.

[Link to full decision](#) (PDF)

7. Andrey Gorbunov v. Russia

5 February 2013, ECtHR, Application no. 43174/10

Facts. The applicant complained about the allegedly inadequate medical care in detention, in particular, that the prison authorities had obstructed his access to surgical treatment, thus putting his life at risk. He also mentioned, in general terms, the conditions of transport and his transfer to a distant region of Russia for the serving of his prison term. The applicant submitted that both an independent expert and a medical professional at the detention facility had acknowledged that he required admission to a specialized cardiac hospital for possible surgery. The applicant's transfer to a distant region had deprived him of an opportunity to benefit from the formal appointment for surgery arranged in late 2010. The applicant also complained about the physical conditions of his detention. The cell was not equipped with a lavatory pan or running water as the facility did not have a centralized water-supply or sewage systems. Inmates were provided with a bucket of water for their daily needs: for drinking, washing themselves and cleaning the bucket which they used as a lavatory. The bucket serving as a lavatory was not separated from the rest of the cell, thus offering no privacy. The water was obtained from the local river and was not clean. The heating system did not function properly. It was thus extremely cold in winter, when the temperature outside dropped below minus 30 or 40 degrees Celsius. The

cell was not equipped with a ventilation shaft, thus it was stuffy and damp. Dim light penetrated into the cell through a small window covered with several rows of metal bars.

Findings. The Court noted that the relative gravity of the applicant's condition and the authorities' unjustified delay in putting into practice their own decision to take the applicant to the specialized cardiac hospital, at least as regards the period before May 2012, disclosed a serious failing on the part of the respondent State leading to a situation in which the applicant could be said to have been subject to distress or hardship of an intensity exceeding the unavoidable level of suffering inherent in detention. The Court thus held that this amounted to inhuman and degrading treatment within the meaning of Article 3 ECHR. Moreover, the Court found that the limited access to outdoor exercise, natural light and air, the poor ventilation and the inadequate sleeping arrangements in the cells also ran counter to the requirements of Article 3 of the Convention.

Link to [full decision](#) (PDF)

8. Gurenko v. Russia

5 February 2013, ECtHR, Application no. 41828/10

Facts. The applicant brought a three-fold complaint under Article 3. First, she complained that her husband had been ill-treated upon his detention; second, that no investigation had been carried out by the authorities into this allegation; and third, that she had suffered severe mental distress and anguish in connection with his disappearance. The applicant alleged that, drawing inferences from the harsh conditions of detention of her sons and nephew at the premises of the Gudermes ROVD, she had reasonable grounds to conclude that her husband, too, had been subjected to treatment in breach of Article 3. She further pointed out that these allegations had not been investigated properly.

Findings. The Court observed that when the applicant was admitted to a detention facility following his arrest it became known to the Russian authorities that he was suffering from a number of very serious cardiovascular conditions. Prior to his arrest the applicant had already survived two myocardial infarctions. In fact, on the day following his arrest he had a severe heart attack calling for the involvement of a medical emergency team. A further deterioration of the applicant's health occurred in detention, when he suffered his third infarction. Given the significant clinical manifestations and progress of his condition, with a high risk of development of further cardiovascular complications, the applicant required regular medical supervision by specialists, in particular a cardiologist, and complex treatment, comprising clinical tests and medication. The evidence provided to the Court by the parties confirmed that neither of those requirements was fulfilled during the applicant's detention. Applicant had not been provided with a consultation with a cardiologist. His treatment was carried out by medical specialists who had medical training or skills other than those required to address his individual needs. The inadequacy of their response to the applicant's health complaints is demonstrated by the fact that they either maintained the drug therapy which had been developed by a previous specialist, disregarding the complaints from the applicant and the clinical signs of a further deterioration of his condition, or merely increased the dose of the prescribed drugs or introduced another

painkiller without carrying out a comprehensive examination of the applicant's then-current condition. The Court stressed that while the Russian authorities undoubtedly took charge of the applicant's therapeutic care, it is not convinced that they did not render him the individual medical assessment necessary to properly evaluate his specific needs and to adjust his treatment to them, in contrast to what the Court has on many occasions declared as one of the cornerstones of adequate medical care for detainees. As a result of this lack of adequate medical treatment, the applicant has been exposed to prolonged mental and physical suffering diminishing his human dignity. The authorities' failure to provide the applicant with the medical care he needed thus amounted to inhuman and degrading treatment contrary to Article 3 ECHR.

Link to [full decision](#) (PDF)

9. Mkhitarian v. Russia

5 February 2013, ECtHR, Application no. 46108/11

Facts. The applicant submitted that the conditions of his detention at the Armavir Temporary Detention Facility amounted to degrading treatment within the meaning of Article 3 ECHR. He further argued that his health had deteriorated as a result of his conditions of detention. The applicant was kept in detention for a total of ten days in a cell measuring 7.5 sq. m with nine other inmates.

Findings. The Court held that such a severe degree of overcrowding raised in itself an issue under Article 3 of the Convention. The Court further noted that the water provided to the detainees was allegedly of undrinkable quality and food was provided only once per day. The Court reiterated that it is unacceptable for a person to be detained in conditions in which no provision has been made for meeting their basic needs. The Court also noted that the length of the applicant's detention was relatively short, amounting to a total of ten days. However, it observed that conditions of detention of comparable and even of much shorter length have been previously found to be incompatible with the requirements of Article 3. Therefore, while the length of a detention period may be a relevant factor in assessing the gravity of suffering or humiliation caused to a detainee by the inadequate conditions of his detention, the relative brevity of such a period alone will not automatically exclude the treatment complained of from the scope of Article 3 if all other elements are sufficient to bring it within the scope of that provision. Having regard to the cumulative effects of the conditions of the applicant's detention, the Court considered that the hardship the applicant endured appeared to have exceeded the unavoidable level inherent in detention and found that the resulting suffering and feelings of humiliation and inferiority went beyond the threshold of severity under Article 3 ECHR.

Link to [full decision](#) (PDF)

10. Vasily Vasilyev v. Russia

19 February 2013, ECtHR, Application no. 16264/05

Facts. The applicant complained that the conditions of his detention in facility no. IZ-33/1 in Vladimir from 3 November 2004 to 12 May 2006 had breached Article 3. The applicant insisted that

owing to severe overcrowding, he had not had an individual bunk. Inmates had had to take turns to sleep. He further pointed out that detainees had been kept in extremely cramped conditions. Furthermore, the facility administration did not provide inmates with cleaning fluids. The lavatory pan was always dirty and had no lid, allowing unpleasant odors to permeate the cell. The applicant further stated that the cells had had no air conditioning system. They had been damp, stuffy and dark inside. Inmates had been allowed to smoke in the cells, which had been unbearable for the applicant, who did not smoke. Detainees had also washed their clothes in the cells, creating excessive humidity. The cell windows had been too small and had not allowed sufficient light to enter the cells as they were covered by metal netting. The fluorescent lighting had been constantly on. The cells had been infected with bed-bugs, lice and cockroaches but the administration had not provided any insecticides. Inmates had not been provided with toiletries. They had been allowed to take a shower once every week. Food had been very scarce and of low quality. Inmates had been allowed to have an outdoor walk for an hour a day in the facility courtyards. The courtyards had been covered by metal roofs, with merely a meter of empty space between the walls and the roof.

Findings. The focal point for the Court's assessment was the living space afforded to the applicant in the detention facility. Having regard to the evidence submitted by the applicant, as well as the Government's failure to submit reliable and convincing information in support of their claims, the Court found it established that the cells in facility no. IZ-33/1 were overcrowded. The Court also accepted the applicant's submissions that, owing to the overpopulation in the cells and the resulting lack of sleeping places, he had to take turns with other inmates to rest. The Court observed that it had previously examined four cases concerning the conditions of detention in facility no. IZ-33/1, three of which concerned applicants who had been detained there at the same time as the applicant in the present case. In those four cases the Court found the conditions of detention in that facility to have been incompatible with the requirements of Article 3. Here, it similarly found a violation of Article 3 ECHR on account of the detention conditions in facility no. IZ-33/1 in Vladimir between 2004 and 2006.

Link to [full decision](#) (PDF)

11. Zuyev v. Russia

19 February 2013, ECtHR, Application no. 16262/05

Facts. The applicant complained that the conditions of his detention in facility no. IZ-33/1 in Vladimir from 2 November 2004 until August 2006 had breached Article 3, alleging in particular severe overcrowding, poor sanitary conditions, insufficient lighting and inadequate food. The applicant claimed that the number of detainees in the cells had considerably exceeded their design capacity. The Government argued that the applicant had had between 3.21 and 7.7 square meters of personal space and an individual sleeping place at all times.

Findings. The Court focused on the living space afforded to the applicant in the detention facility. The Court accepted the applicant's submissions that, owing to the overpopulation in the cells and the resulting lack of sleeping places, he had to take turns with other inmates to rest. It further observed that, irrespective of the reasons for the overcrowding, it is incumbent on the

respondent Government to organize its prison system in such a way as to ensure respect for the dignity of detainees, regardless of financial or logistical difficulties. The applicant's situation was further exacerbated by the fact that the opportunity for outdoor exercise was limited to one hour a day, leaving him with twenty-three hours per day of detention in the facility without any freedom of movement. The applicant's argument that he had limited access to natural light and fresh air was supported by the written statements of his fellow inmates and the color photographs of the cell. Furthermore, the Court noted that the applicant had access to a shower for no more than fifteen minutes once a week, which raised serious concerns as to the conditions of hygiene and sanitation in the facility, given the acutely overcrowded accommodation in which he found himself. Lastly, the Court noted the applicant's submission that it was unbearable to him that inmates had been allowed to smoke in the cells. In the Court's opinion the detention of the applicant, a non-smoker, for almost two years with smokers could have caused him considerable distress in the absence of adequate ventilation. In view of these considerations, the Court found a violation of Article 3 ECHR on account of lack of personal space afforded to the applicant.

Link to [full decision](#) (PDF)

12. Ivakhnenko v. Russia

18 October 2013, ECtHR, Application no. 12622/04

Facts. The applicant challenged the lack of adequate medical assistance and the conditions of his detention while imprisoned in prison IZ-36/1 in Voronezh from August 2002 until January 2004. He submitted that the cells had been severely overcrowded and that the Voronezh prosecutor had acknowledged the existing overcrowding problem. He did not have an individual sleeping place, and he suffered from extreme cold and heat because the mandatory ventilation and heating systems did not function. Furthermore, he complained of a lack of privacy when using the toilet.

Findings. Having regard to the Government's failure to submit the original documents for the period of detention after 2 August 2003, to the applicant's detailed description of his conditions of detention and to the finding of the regional prosecutor, the Court found that at the material time the remand prison was overcrowded. The overcrowding in Russian remand prisons has been a matter of particular concern to the Court and amounted to inhuman and degrading treatment in violation of Article 3 ECHR. With regard to the quality of medical assistance however, the Court found no violation of Article 3. The medical records showed that the applicant was examined by a doctor immediately after his arrest and he did not have any particular complaints. During the entire period of his detention in the Voronezh remand prison and the correctional colony the applicant regularly sought, and obtained, medical attention. His medical record showed that each time he was unwell he was examined by a doctor and was prescribed treatment which had its effect. There was no reason to find that the treatment administered to him was inadequate. Given that the applicant's health was monitored by medical professionals and that he received regular treatment, the Court considered that during the entire period of his detention the applicant was provided with the requisite medical assistance. As regards the applicant's complaint concerning an alleged lack of medicines in detention facilities, the Court reiterated that the unavailability of necessary medicines may only raise an issue under Article 3 if it has negative effects on the applicant's state of health or causes suffering of certain intensity, which the Court could not

conclude in this case.

Link to [full decision](#) (PDF)

13. Gorovoy v. Russia

27 June 2013, ECtHR, Application no. 54655/07

Facts. The applicant complained that he had been detained in appalling conditions in the temporary detention center in Naberezhniye Chelny in contravention of Article 3 ECHR. According to the applicant, the cells in the temporary detention center were not ventilated. Because of the metal bars on the windows there was no access to daylight in the cells. They were lit with a 60-watt bulb. Because of the lack of sufficient lighting in the cells, it was impossible to read or work there. The distance between the toilet and the closest sleeping place was 0.5 meters. In some cells there was no toilet, but only a hole in the floor. The brick wall separating the toilet from the living area of the cell did not ensure sufficient privacy, and the person using it could be seen by other inmates. The cells were infested with bedbugs, cockroaches, flies and mice. The administration of the center took no measures to exterminate them. The food was of poor quality. The applicant was confined to the cell twenty-four hours a day with no opportunity for outdoor exercise. He received no newspapers or magazines. He was allowed one shower a week. During the summer only cold showers were available.

Findings. According to the information provided by the Government, on average the personal space allocated per one inmate did not exceed 2.28 square meters. As a result of such overcrowding, the applicant's detention did not meet the minimum requirement as laid down in the Court's case-law. The inmates had to take turns to sleep, given the absence of individual sleeping places. The Court notes that the applicant was held at the temporary detention center for 300 days. He was not confined to his cell on the days of the court hearings. Nevertheless, for over 200 days the applicant was held in an overcrowded cell for practically twenty-four hours a day, without an opportunity for outdoor exercise. The Court found that the applicant was subjected to inhuman and degrading treatment in breach of Article 3 ECHR.

Link to [full decision](#) (PDF)

14. Yepishin v. Russia

27 June 2013, ECtHR, Application no. 591/07

Facts. The applicant complained, in particular, about the conditions of his detention. On 6 December 2000 the applicant was placed in remand prison no. IZ-49/7 in Yegorievsk, Moscow Region, and a transit prison no. IK-18 in the Republic of Mordoviya, where he was diagnosed with tuberculosis. The applicant asserted that he had been detained in overcrowded dormitories. Due to the lack of ventilation, the dormitories had been damp and cold. The lighting had been insufficient. During the time in which he had been admitted to hospital, he had not had an opportunity for outside daily exercise. He admitted that the wards at the hospital had not been overcrowded. The applicant also alleged that the medical treatment he had received had not been effective. His health had deteriorated after years of detention in the correctional colony resulting

from poor nutrition, appalling conditions of detention and a low quality of medical care. In his opinion, his hemorrhoids and gastroduodenitis could have been cured by a proper diet and medication. On many occasions, the medicine which he had been prescribed had not been available at the pharmacy.

Findings. The Court has consistently stressed that, in the context of deprivation of liberty, to meet the Article 3 threshold the suffering and humiliation involved must go beyond the inevitable element of suffering or humiliation connected with a given form of legitimate treatment or punishment. Although measures depriving a person of liberty may often involve such an element, in accordance with Article 3 of the Convention the State must ensure that a person is detained under conditions which are compatible with respect for his human dignity and that the manner and method of the execution of the measure do not subject him to distress or hardship exceeding the unavoidable level of suffering inherent in detention. The Court took into consideration the findings of the inquiries conducted by the Office of the Prosecutor General of the Russian Federation in 2007, 2008 and 2009, whereby it was established that the personal space afforded to the applicant during his detention in the correctional colony had fallen short of the domestic statutory requirements of two square meters per person and that the dormitories where the applicant had been detained had been overcrowded. The Court further noted that the Government did not put forward any fact or argument capable of persuading it to reach a different conclusion in the present case, and therefore found a violation of Article 3 of the Convention on account of the conditions of the applicant's detention.

Link to [full decision](#) (PDF)

15. Yemelin v. Russia

10 October 2013, ECtHR, Application no. 41038/07

Facts. The applicant complained about the conditions of his pre-trial detention from mid-June to mid-August 2007 in remand prison no. IZ 64/1 in Saratov and a temporary detention centre in Volsk, as well as of his transportation between detention facilities. He alleged in particular that during part of the detention he had been kept in a windowless cell, which had not been equipped with a toilet or running water, had a dirty mattress and had been infested with rats. Throughout his detention the applicant was confined to his cell for twenty-four hours a day without any opportunity to pursue physical and other out-of-cell activities.

Findings. The Court found a violation of Article 3 ECHR on account of the applicant's detention conditions in the temporary detention centre in Volsk on several occasions between 15 June and 17 August 2007, due to lack of basic amenities and lack of physical exercise. No violation was found on account of the prison conditions in remand prison no. IZ-64/1 in Saratov, since the Court found that the personal space afforded to the applicant at all times exceeded 4 sq. m., and the applicant did not allege that no individual bed was provided. Other evidence submitted by the applicant was insufficient to substantiate the allegations of poor hygiene conditions and food quality in the remand prison.

Link to [full decision](#) (PDF)

16. **Sergey Vasilyev v. Russia**

17 October 2013, ECtHR, Application no. 33023/07

Facts. The applicant complained about the conditions of his pre-trial detention and overcrowding at the temporary detention centre and then at remand prison no. IZ-44/1 in Kostroma. The national judicial authorities established that the remand prison had been overcrowded during the period in question. They further found that the personal space afforded to the applicant had been below statutory standards, he had not been provided with an individual sleeping place and the toilet had offered no privacy. The Government did not offer any explanation for the discrepancy between the domestic courts' findings and the data contained in their observations, on which they based their argument that the personal space afforded to the applicant had been in compliance with the statutory requirement of 4 sq. m. per person.

Findings. In the Court's opinion, such conditions of detention must have caused the applicant considerable mental and physical suffering diminishing his human dignity, which amounted to degrading treatment within the meaning of Article 3 of the Convention. The Court further noted that domestic courts at two levels of jurisdiction had in fact examined the applicant's complaints concerning the conditions of his pre-trial detention.

Link to [full decision](#) (PDF)

17. **Shcherbakov v. Russia (No.2)**

24 October 2013, ECtHR, Application no. 34959/07

Facts. The applicant submitted that for three and a half years he had been detained in degrading and inhuman conditions which had caused him mental and physical suffering in remand prison no. IZ-71/1 in Tula from 19 November 2004 to 15 May 2008. According to extracts from the remand prison population register submitted by the Government, the applicant was afforded no more than 3 sq. m. of personal space on average. Sometimes he had as little as 1.63 square metres.

Findings. The Court observed that due to the overcrowding, the applicant's conditions of detention did not meet the minimum standard as laid down in the Court's case-law. The Court noted that this fact alone is sufficient for the Court to find that the problem of overcrowding had not been alleviated by the authorities in the present case. The Court noted that on certain days, when the number of inmates detained with the applicant decreased, the personal space afforded to them exceeded 3 square meters. In the circumstances of the case, however, the Court did not consider that such occasional fluctuations in the remand prison population significantly affected the applicant's situation as a whole. Apart from an hour's daily exercise, the applicant was confined to his cell for the rest of the time. In the Court's view, his out of cell activity, namely occasional meetings with his lawyer, visits from his family, or fifteen-minute weekly showers, did not significantly alter the conditions of his detention. The Court therefore concludes that the applicant was subjected to inhuman and degrading treatment in breach of Article 3 of the Convention.

Link to [full decision](#) (PDF)

18. **Sergey Babushkin v. Russia**

28 November 2013, ECtHR, Application no. 5993/08

Facts. The applicant was found guilty of assault on a police officer, theft and illegal possession of firearms and sentenced to fifteen years' imprisonment. He was sent to correctional colony no. IK-2 in Livny, Orel region, to serve his prison sentence. He was released in September 2013. The applicant complained that he had been detained in cramped and appalling conditions in correctional colony no. IK-2. He submitted that the beds were arranged in two tiers which prevented access to daylight. The dormitories were not equipped with any ventilation system. They were infested with lice. The lighting was dim and insufficient. The water supply was irregular. The level of medical service provided was unsatisfactory. On numerous occasions the applicant was placed in a disciplinary cell for failure to comply with internal regulations. Each time his head was allegedly shaved. In response to a complaint by the applicant about the conditions of his detention, on 30 March 2007 the Federal Department of Corrections confirmed that the applicant was detained in an overcrowded dormitory where the living area per inmate was below the statutory two square meters

Findings. The Court held that the conditions of the applicant's detention fell short of the standards set forth in Article 3. In this regard the Court put a special emphasis on the fact that the applicant served a long term of imprisonment. His placement in a cramped dormitory with approximately a hundred inmates, if only at night, was not temporary. He had been held in such conditions, lacking any privacy, for thirteen years. In the Court's opinion, this fact alone raises an issue under Article 3 of the Convention. The Court accepted that in the present case that there was no indication of a positive intention on the part of the authorities to humiliate or debase the applicant, but reiterated that, irrespective of the reasons for the overcrowding, it is incumbent on the respondent Government to organize their custodial system in such a way as to ensure respect for the dignity of detainees, regardless of financial or logistical difficulties. The Court considered the detention in overcrowded dormitories where the personal space afforded to the detainees was below the statutory standard of two square meters, if only at night, to be one of the decisive factors weighing in favor of finding a violation of Article 3 of the Convention

Link to [full decision](#) (PDF)

19. **Kutepov v. Russia**

05 December 2013, ECtHR, Application no. 13182/04

Facts. The applicant complained that, while in detention, he had not been provided with the appropriate medical treatment for his condition. The applicant maintained that he had lodged numerous complaints about his medical treatment to both the prosecutor's office and the prison administration. The applicant maintained that he had not received a timely diagnosis for his spinal cord injury. Despite having persistently complained of back pain since the time of his arrest in November 2002, he had not been examined by a specialist until March 2003. The recommended X-ray of his spine had not been carried out, and as a result his spinal cord injury had not been diagnosed until 3 December 2003. Since then he had not received adequate treatment for his condition and his health had continued to deteriorate. As a result of his spinal

injury, his legs had begun to fail him, at times making movement extremely difficult, and he had had difficulties controlling his left arm. He had also asked to be released from detention until his condition improved.

Findings. The Court observed that in most of detention cases of persons who were ill, the Court has examined whether or not the applicant received adequate medical assistance in prison. The Court reiterated in this regard that it has interpreted the Article 3 as creating an obligation on the State to provide detainees with the requisite medical assistance. The authorities must ensure that diagnosis and care are prompt and accurate and that, where necessitated by the nature of a medical condition, supervision is regular and systematic and involves a comprehensive therapeutic strategy aimed at adequately treating the detainee's health problems or preventing their aggravation. The standard of health care provided should be "compatible with the human dignity" of a detainee, but should also take into account "the practical demands of imprisonment". Regarding the promptness of the applicant's diagnosis, the Court first noted that it is disputed between the parties at what point the applicant first complained of back pain. It is however clear from the evidence in the case file that on 19 March 2003 that a neurologist requested an X-ray of the applicant's spine, which was not carried out. Had it been conducted, the applicant's myelopathy could have been diagnosed much earlier than in December 2003. The Court also noted that on several occasions that the applicant was detained in a punishment cell, where he did not receive any medical treatment. It reiterated that any violation of prison rules and discipline by a detainee could in no circumstances warrant a refusal to provide medical assistance. The Court considered that, as a result of the inadequacy of his medical treatment, the applicant has been exposed to prolonged mental and physical suffering diminishing his human dignity and lasting for several years. The authorities' failure to provide the applicant with the medical care he needed thus amounted to inhuman and degrading treatment within the meaning of Article 3.

[Link to full decision](#) (PDF)

20. Yevgeniy Gusev v. Russia

05 December 2013, ECtHR, Application no. 28020/05

Facts. The applicant alleged that he had been subjected to inhuman and degrading treatment by having been deprived of food and sleep on the days on which he had been taken to the court-house for trial. During the criminal proceedings the applicant was detained in remand prison IZ-34/1 of Volgograd. The applicant claimed that he had never been given any food or dry rations on court days.

Findings. The Court observed that allegations of ill-treatment must be supported by appropriate evidence based on sufficiently strong, clear and concordant inferences or by similar un rebutted presumptions of fact. The Court observed that in the period between June 2004 and June 2005 the applicant was transported to the Dzerzhinskiy District Court on forty-four occasions. The Court further noted that the applicant's allegation of lack of sleep was also corroborated to a certain extent by the 2005 annual report of the regional Ombudsman. The Court considered that the cumulative effect of malnutrition and inadequate sleep on the days of court hearings must have

been of an intensity such as to cause the applicant physical suffering and mental fatigue. This must have been further aggravated by the fact that the above treatment occurred during the applicant's trial, a time when he most needed his powers of concentration and mental alertness. The Court therefore concluded that the applicant was subjected to inhuman and degrading treatment contrary to Article 3 of the Convention.

Link to [full decision](#) (PDF)

21. Budanov v. Russia

9 January 2014, ECtHR, Application no. 66583/11

Facts. The applicant alleged that he had not received adequate medical assistance in detention in violation of Article 3 ECHR. Since 2000, he had suffered from a serious neurological disorder characterized by epileptic seizures, severe headaches, dizziness, nausea, fatigue, loss of consciousness and emotional disturbance. The condition required complex treatment. He was arrested in 2002 on suspicion of murder and sentenced to 10 years' imprisonment. While in detention, applicant's health deteriorated. He was treated by a medical officer unqualified to deal with his condition, had his drug regimen amended on many occasions, essential procedures were delayed by many years. In particular, he claimed that though his condition required significant medical expertise, the Russian authorities had refused to admit him to hospital for neurosurgery.

Findings. The Court observed that the entire period of the applicant's detention was characterized by his frequent transfers from a prison hospital to a correctional colony, only to be sent back to the hospital after a short while. The applicant's medical file showed that he had been admitted to the hospital on at least ten occasions. However, with the exception of a very few stays when the applicant was seen by a neurologist and was subjected to a specific diagnostic procedure, the treatment he received in the hospital did not differ significantly from the medical services he was afforded in the colony. The short-term admissions to the prison hospitals appear to demonstrate attempts by the prison authorities to at least temporarily prevent the applicant's health from deteriorating further. At the same time, they reveal the absence of a medical plan to manage the applicant's illness. The hospital treatment procedures remained focused on attempting to relieve the applicant of certain side effects of his condition, without looking into the possibility of substantially improving his health. The Court accordingly found a violation of Article 3 ECHR.

Link to [full decision](#) (PDF)

22. Firstov v. Russia

20 February 2014, ECtHR, Application no. 42119/04

Facts. The applicant was convicted of aggravated theft in January 2004 – eventually upheld in March 2004 – and sentenced to five years' imprisonment. He complained about extremely poor conditions of detention during his police custody following his arrest in October 2003 and during the ensuing pre-trial investigation and court proceedings (which amounted to a month in total). He was usually detained in a cell containing two wooden bunk beds and accommodating up to

ten detainees. Inmates had had to take turns to rest owing to the shortage of sleeping places. No bedding was provided. The cell did not have a window in the proper sense of that word – a small window was covered with a metal sheet, blocking access to natural light and air. In the absence of any artificial ventilation in the cell, it was hard to breathe owing to the thick smoke and the humidity. The cell was lit by a small bulb inserted in a recess in the concrete wall above the door. According to the applicant, there was no furniture, wash-bowl or lavatory pan in the cell. Once a day, in the morning, inmates were taken to a public lavatory outside the police station. For the rest of the day, they had to use a bucket as a lavatory pan. They were allowed to clean the bucket once a day, in the morning. The foul smell permeated the cell, as the bucket had no cover. The police station did not have a recreation yard and inmates were therefore confined to their cells day and night. Food was provided once a day. The daily food ration consisted of half a bowl of cabbage soup and a piece of bread. Medical assistance was unavailable.

Findings. The Court held that the conditions of the applicant's detention fell short of the standards set forth in Article 3. They found that various aspects of the applicant's detention, having been in breach of the domestic legal requirements, had caused the applicant psychological distress. Moreover, the Court could not overlook the Government's refusal to acknowledge that the guarantees of Article 3 of the Convention were not respected in the applicant's case. In these circumstances, the Court concluded that the applicant had been subjected to ill-treatment contrary to the guarantees of Article 3 of the Convention.

Link to [full decision](#) (PDF)

23. Shishkov v. Russia

20 February 2014, ECtHR, Application no. 26746/05

Facts. The applicant alleged that he had been held in appalling conditions in the Mayskiy Temporary Detention Centre (TDC) in 2004 and 2005 for 50 days. The TDC cells in which he was detained measured no more than 8 sq. m., and were designed to hold up to four detainees; however, at times they housed up to seven. When the cells were overcrowded, the applicant did not have his own individual bed and had to take turns sharing with his cellmates or sleeping on the floor. No bedding was provided. As the cells had no toilet, detainees had to relieve themselves in a large pot, which produced a disgusting smell in the cells. In addition, the cells were usually filled with smoke because the majority of detainees smoked. There was no functioning ventilation in the cells. The cells had no sink or washbasin, and no facilities were provided for maintaining personal hygiene or for washing clothes. The TDC had no shower facilities. On many occasions, the applicant was deprived of the opportunity to have a shower, as often his transfer to the TDC coincided with the remand center's bath days. There was no table or seating in the cells, no artificial lighting and limited access to natural light, which meant the applicant was unable to read in his cell and to prepare for hearings.

Findings. The Court found a violation of Article 3 of the Convention, stating that a period of an applicant's detention should be regarded as a "continuing situation", as long as the detention has been affected in the same type of detention facility in substantially similar conditions. Short

periods of absence during which the applicant was taken out of the facility for hearings or other procedural acts did not have any bearing on the continuous nature of the detention. Although in the present case there is no indication that there was an intention to humiliate or debase the applicant, the Court found that the conditions of the applicant's detention in the TDC in 2004 and 2005 were such as to cause distress or hardship of an intensity exceeding the unavoidable level of suffering inherent in detention, and to arouse in him feelings of fear, anguish and inferiority capable of humiliating and debasing him. The Court also notes that the above treatment occurred in the course of criminal proceedings against the applicant, including his trial, when he most needed his powers of concentration and mental alertness. In view of the foregoing considerations, the Court concluded that the conditions of the applicant's detention amounted to degrading treatment in violation of Article 3.

[Link to full decision \(PDF\)](#)

24. Gorbulya v. Russia

6 March 2014, ECtHR, Application no. 31535/09

Facts. At the time of the judgment, the applicant was serving a life sentence for murder and robbery. He alleged that both the conditions of his detention in the temporary detention facility IZ-47/1 in St. Petersburg, where he had been kept from December 2002 to October 2010, and in the correctional facility IK-56 in the Sverdlovsk Region, where he was detained from November 2010, were in violation of Article 3 ECHR. In particular he complained of extremely overcrowded cells, degrading sanitary conditions, of the fact that he had been kept in solitary confinement for almost two years although the authorities had never argued that he had been a danger to himself or others, and that the authorities had failed to provide him with adequate medical care. In 2009, the applicant was diagnosed with a gastric ulcer, hemorrhoids and fragile joints. He insisted that these illnesses were the direct result of his having been detained in appalling conditions for so many years. The applicant sought medical care on multiple occasions, but prison doctors refused to treat him, citing a lack of funds and medicine. In June 2009 he hurt his leg while descending from a bunk. He lodged a large number of complaints with the head of the detention facility, seeking medical assistance and, in particular, an X-ray examination of his leg. Following a fluorography test on 2 May 2012, almost ten years after his arrest in December 2002, the applicant was diagnosed with tuberculosis which, according to the results of several X-ray examinations performed during his detention, he had not suffered from prior to his arrest.

Findings. The Court found a violation of Article 3 of the Convention. The Court stated that it had already found a violation of Article 3 of the Convention on account of an acute lack of personal space in the cells of facility IZ-47/1 in respect of the time during which the applicant was held there from 23 December 2002 to 10 December 2008. The Court also observed that from 10 December 2008 to 8 October 2010 the applicant was held alone in wing 2/1 of facility IZ-47/1, in cells measuring 8 square meters. Focusing on the facts presented to it, which the Government either accepted or failed to refute, the Court also observed that from 10 December 2008 to 8 October 2010 the applicant had to spend a considerable part of each day practically confined to his cell, with inadequate sleeping arrangements, insufficient daylight and extremely poor artificial lighting. With regard to the medical care provided in the detention facility, the Court held that

the applicant was under constant medical supervision in full compliance with international standards of tuberculosis control policy in prisons. The Court considered that the Government provided sufficient evidence to enable it to conclude that the applicant received comprehensive, effective and transparent medical care while in detention. Accordingly, there had been no violation of Article 3 of the Convention on account of the alleged failure to provide the applicant with the requisite medical care during his imprisonment.

Link to [full decision](#) (PDF)

25. Berger v. Russia

13 March 2014, ECtHR, Application no. 66414/11

Facts. Between 1 March 2005 and 21 September 2011 the applicant was held in remand prison IZ-42/2 in the Kemerovo Region. The prison was overcrowded. The cell where the applicant was held measured 36 sq. m and was designed for 12, while housing up to 18 individuals. Since October 2011 the applicant was isolated from the other detainees and kept in virtually solitary confinement conditions. In addition, the applicant claimed that on several occasions he had been beaten by prison wardens. The Government acknowledged that the applicant's conditions of detention from 27 November 2009 to 21 September 2011 did not comply with the requirements of Article 3 of the Convention.

Findings. Having regard to the applicant's factual submissions undisputed by the Government and the Government's acknowledgement relating to the most recent period of the applicant's detention, the Court considered that the conditions of the applicant's detention in remand prison IZ-42/2 amounted to inhuman and degrading treatment. There has accordingly been a violation of Article 3 of the Convention on account of the conditions of the applicant's detention between 1 March 2005 and 21 September 2011.

Link to [full decision](#) (PDF)

26. Karbyshev v. Russia

13 March 2014, ECtHR, Application no. 26073/09

Facts. Between 26 September 2005 and 9 January 2009 the applicant was detained in remand prison IZ-38/2 of the Irkutsk Region. The prison was severely overcrowded. The cell in which the applicant was held measured 24 sq. m was equipped with 8 sleeping places and accommodated up to 17 inmates. In addition, the applicant claimed that he had contracted tuberculosis during his stay there. From 23 February to 27 April 2008 the applicant was transferred to remand prison IZ-38/1 of Irkutsk and from 17 July to 3 August 2008 he was transferred to penitentiary medical facility LIU-27 in the Irkutsk Region for treatment of his tuberculosis.

Findings. Having regard to the applicant's factual submissions undisputed by the Government, the Government's acknowledgement relating to the most recent period of the applicant's detention and the lack of any evidence to the contrary, the Court considers that the conditions of the applicant's detention in remand prison IZ-38/2 amounted to inhuman and degrading treatment. The Court accordingly found a violation of Article 3 of the Convention on account of

the conditions of the applicant's detention from 26 September 2005 to 9 January 2009.

[Link to full decision](#) (PDF)

27. Vershinin v. Russia

13 March 2014, ECtHR, Application no. 18506/09

Facts. During several periods between 21 May and 11 December 2008 the applicant was held in the temporary detention facility (IVS) of Angarsk in the Irkutsk Region, which was severely overcrowded, with up to eight detainees occupying a 12 sq. m. cell. According to the applicant, the cell was not equipped with either tables or benches. Bed linen was not distributed. Drinking water and daily walks were not available. On 23 November 2011 the Irkutsk Regional Prosecutor, in response to the applicant's complaint, acknowledged that the conditions of his detention in the Angarsk IVS between May 2008 and May 2009 had violated the relevant domestic legislation.

Findings. Having regard to the applicant's factual submissions undisputed by the Government, the Government's acknowledgement relating to the most recent period of the applicant's detention and the lack of any evidence to the contrary, the Court considers that the conditions of the applicant's detention in remand prison IZ-38/2 amounted to inhuman and degrading treatment. The Court accordingly found a violation of Article 3 of the Convention on account of the conditions of the applicant's detention from 26 September 2005 to 9 January 2009.

[Link to full decision](#) (PDF)

28. Zhulin v. Russia

13 March 2014, ECtHR, Application no. 33825/10

Facts. During several periods between 10 December 2008 and 6 February 2010 the applicant was held in the temporary detention centre (IVS) of Arzamas in the Nizhniy Novgorod Region. He was regularly taken out of that facility either to take part in the trial or to undergo medical treatment in a prison hospital. The conditions of the applicant's detention in the IVS of Arzamas were characterized by the following elements: the applicant's cell in the basement measured 5.3 sq. m and accommodated two inmates, there was no window, table or bench, and the toilet was not separated from the rest of the cell by a partition. In addition, no outdoor exercise was available to the detainees. The applicant brought a complaint in connection with poor conditions of detention in the Arzamas IVS. By the judgment of 18 February 2010, the Arzamas Town Court found that the applicant had been detained in an overcrowded cell located in the basement that had no windows. The applicant was not taken outdoors. It held that the conditions of the applicant's detention during that period had fallen short of the requirements of Russian law.

Findings. Having regard to the applicant's factual allegations, which were undisputed by the Government, to the findings of the domestic courts and to the Government's acknowledgement relating to the most recent period of the applicant's detention, the Court considered that the conditions of the applicant's detention in the Arzamas IVS amounted to inhuman and degrading treatment. There has accordingly been a violation of Article 3 of the Convention on account of the conditions of the applicant's detention over the period between 10 December 2008 and 6 February

2010.

[Link to full decision](#) (PDF)

29. Malyugin v. Russia

14 March 2014, ECtHR, Application no. 71578/11

Facts. On 19 May 2006 the applicant was arrested on suspicion of organizing a criminal gang and placed in the IVS, which was in a poor sanitary condition. On the following day the applicant's detention was authorized by domestic courts. On 1 June 2006 the applicant was transferred from the IVS to remand prison IZ-47/1 of St Petersburg, where he stayed until 19 May 2011. The facility was overcrowded. Three of the cells where the applicant was held measured 8 sq. m., while equipped to accommodate up to six inmates. On an unspecified date the St Petersburg City Court commenced the examination of the case. From that date, in order to take part in the hearings, the applicant was regularly transported by prison van between the remand prison and the court premises. While in the courthouse, he was placed in a confinement cell. The applicant alleged that both the van and the cell had been overcrowded. The applicant complained that the conditions of his detention from 1 June 2006 to 19 May 2011 had violated Article 3 of the Convention. The Government acknowledged that the applicant's conditions of detention from 1 June 2006 to 19 May 2011 did not comply with the requirements of Article 3.

Findings. Having regard to the applicant's factual allegations of extreme overcrowding, which were undisputed by the Government, and to the Government's acknowledgement of the violation of Article 3, the Court considered that the conditions of the applicant's detention during the above period amounted to inhuman and degrading treatment in violation of Article 3 ECHR.

[Link to full decision](#) (PDF)

30. Zenkov v. Russia

30 April 2014, ECtHR, Application no. 37858/08

Facts. On 11 March 2006 the applicant was arrested on suspicion of fraud and placed in custody in prison no. 28/1 in Blagoveshchensk pending the investigation and trial. His pre-trial detention was extended on several occasions. On 17 December 2007, the Town Court found the applicant guilty as charged and sentenced him to ten years' imprisonment. According to the applicant, he was not provided with an individual bed. The cells in the remand prison were dirty and infested with insects and mice. At times inmates suffering from tuberculosis were held in the cell.

Findings. The Court observed that, on the basis of the data submitted by the Government, the applicant was afforded no more than 3 sq. m. on average and sometimes he had as little as 1.59 sq. m. of personal space. As a result of such overcrowding, the applicant's conditions of detention did not meet the minimum standard laid down in the Court's case-law. Furthermore, according to the information provided by the Government, sometimes the number of inmates held in the cell was greater than the number of sleeping places. Accordingly, the Court found credible the applicant's allegation that he was not provided with an individual bed. The applicant was confined to an overpopulated cell for 20-23 hours per day. The Court did not regard occasional fluctuations in

the the number of inmates detained with the applicant as having an attenuating effect on the applicant's situation as a whole. Based on these findings, the Court concluded that the authorities in the present case had not rectified the problem of overcrowding at the time of the applicant's detention and must have caused him considerable mental and physical suffering that went beyond the threshold of severity under Article 3 of the Convention. There has therefore been a violation of the Article 3 on account of the inhuman and degrading conditions of the applicant's detention in remand prison.

Link to [full decision](#) (PDF)

31. Tereshchenko v. Russia

5 June 2014, ECtHR, Application no. 33761/05

Facts. At the time of the judgment, the applicant was serving a prison sentence in the Voronezh Region (Russia) for causing bodily harm resulting in the victim's death. Relying in particular on Article 3 ECHR, the applicant complained that he had been kept in appalling conditions. He was detained from 2003 to 2005 at the Talovskiy Temporary Detention Centre, (TDC) which was attached to Talovskiy police station, for periods at times in excess of one month. According to the applicant, although he was alone in the cell, no arrangements were made for a proper bed and bedding. Neither were there any facilities for taking a bath or shower or for outdoor exercise. He was given one meal a day. In late 2003 the applicant had bronchitis and allegedly failed to receive appropriate treatment. In December 2003 he attempted suicide and self-harm, being unable to stand the appalling conditions of detention and the duration of his placement in the TDC. The conditions of detention in the TDC improved between 2006 and 2008, when the applicant was allowed to take a shower and daily outdoor exercise and was provided with two meals a day. Between October 2003 and July 2005 the applicant was also kept in Voronezh Remand Centre no. 36/1. According to him, at times, twenty-three detainees were held in a cell with twelve beds; thus the cell measurements were below the required international and even national standards. The cells had lacked mandatory ventilation although many detainees smoked, and, at times, the temperature there rose up to 50 C. Sometimes, there was no water supply in the drainage system, so the use of the toilet had to be limited in order to reduce unpleasant smells. The cells were infested with flies, cockroaches and bugs.

Findings. The Court was prepared to accept that the applicant was kept for over a year in cramped conditions, where each detainee was afforded, at times, less than or around 2 sq. m. of cell space. The Court also accepted that, sometimes, the cell population exceeded the actual number of beds in the cell, so that the detainees had to take turns to sleep. The Court considered that this could be a source of tension between detainees and would have generated additional stress and frustration. The Court had found in many previous cases that where the applicants had less than three square metres of floor space at their disposal, the overcrowding was considered to have been so severe as to justify in itself a finding of a violation of Article 3 ECHR. Therefore, there had been a violation of Article 3 on account of the applicant's conditions of detention in Voronezh Remand Centre no. 36/1 between 2003 and 2005, which the Court considered to have been inhuman and degrading treatment within the meaning of that provision.

[Link to full decision \(PDF\)](#)

32. M.S. v. Russia

10 July 2014, ECtHR, Application no. 8589/08

Facts. At the time of the judgment, the applicant was serving a ten-year prison sentence in the Mordoviya Republic (Russia) for drug dealing, following his conviction in April 2008. Mr. M.S. complained about the appalling conditions in which he had been transported to and from the courthouse to attend the hearings on his case in 2007 and 2008 as well as during his transfer in May 2008 from the remand prison to the correctional facility where he was to serve his sentence. Relying on Article 3 ECHR, he alleged in particular extremely cramped conditions both in the prison vans on the way to the courthouse – totaling 30 journeys within five months – and in the railway carriage during the 15 hour journey to the correctional colony. The applicant, who has HIV, also made a further complaint under Article 3 that, during his detention on remand in Moscow as well as when serving his sentence in correctional colonies in the Mordoviya Republic, the authorities had failed to ensure adequate and prompt monitoring and treatment of his illness and that, as a result, he had developed a number of other diseases, including tuberculosis.

Findings. The Court found there was a violation of Article 3 on account of the conditions in which the applicant had been transferred to and from the courthouse and the conditions in which he had been transported to the correctional colony. The Court observed that applicant's medical record did not show that his condition called for urgent antiretroviral therapy before February 2010, when he started receiving the treatment. The applicant was clinically assessed and monitored in relation to his HIV infection, and the medical assistance provided at this time was adequate. However, the Court observed that this situation changed when the applicant was diagnosed with tuberculosis. The authorities failed to provide the requisite medical care by not immediately administering antiretroviral therapy after starting tuberculosis treatment as per WHO standards. Furthermore, the authorities did not monitor his situation properly and discontinued his treatment for an extended period of time without sufficient medical indications to do so, despite the seriousness of his condition. On this basis, the authorities' failure to comply with their responsibility to ensure adequate medical assistance amounted to a violation of Article 3 ECHR.

[Link to full decision \(PDF\)](#)

33. Oleg Zhuravlev v. Russia

10 July 2014, ECtHR, Application no. 50149/11

Facts. Between 2 March and 16 June 2011 the applicant was held in remand prison IZ-21/1 in the Cheboksary Region. The facility was overcrowded. Thus, cell 39 measuring 23 sq. m was equipped with fourteen sleeping places and accommodated up to ten inmates. The applicant submitted his complaints to the prison management and their reply and statements by three cellmates in evidence of these allegations. The Government did not submit any comments on the merits of the case.

Findings. Having regard to the applicant's factual allegations, which were undisputed by the Government, and to the evidence he had submitted to the Court and recalling the structural nature of the problem of the conditions of pre-trial detention in Russian custodial facilities, the Court considered that the conditions of the applicant's detention in remand prison IZ-21/1 of Cheboksary amounted to inhuman and degrading treatment in violation of Article 3 of the Convention.

Link to [full decision](#) (PDF)

34. Rakhimov v. Russia

10 July 2014, ECtHR, Application no. 50552/13

Facts. The applicant was arrested in April 2013 as he was wanted by the Uzbek authorities on charges of religious extremism. He was subsequently placed in detention pending extradition, but was released on 30 July 2013 on the basis of a decision issued by the prosecuting authorities refusing to extradite him as his criminal prosecution had become time-barred. He was immediately re-arrested at the exit of the remand centre and placed in detention pending administrative removal, but his removal was suspended on the basis of an interim measure granted by the European Court of Human Rights (under Rule 39 of its Rules of Court) in August 2013 requesting the Russian Government not to expel Mr Rakhimov for the duration of the proceedings before it. Relying on Article 3 ECHR, he complained about the inhuman and degrading conditions of his detention at a Moscow police station between 30 July (when he had been re-arrested) and 6 August 2013 in a severely overcrowded cell which had only been designed for detention of no more than a couple of hours.

Findings. The Court noted that the material conditions of detention had changed during the period between 30 July and 5 August 2013. The Court further noted that the Government did not dispute the applicant's factual allegations of extreme overcrowding, or the inappropriateness of the conditions in the impugned cell for detention exceeding several hours. Having regard to the Government's acknowledgement of a violation of Article 3 in respect of a part of the applicant's detention, as well as to the Court's findings in many similar cases concerning conditions of detention at police stations, the Court considers that the conditions of the applicant's detention at the Mozhaiskiy District police station amounted to inhuman and degrading treatment in violation of Article 3 of the Convention.

Link to [full decision](#) (PDF)

35. Nemtsov v. Russia

31 July 2014, ECtHR, Application no. 1774/11

Facts. The applicant is a Russian politician and a well-known opposition leader who was arrested for his participation in a political demonstration in Moscow on 31 December 2010, during which he held speeches and chanted slogans against President Putin. He was placed in police detention. The applicant remained in detention at the police station until 2 January 2011, pending the

determination of the charges against him. The applicant was detained in a solitary cell measuring 1.5 by 3 meters, with a concrete floor, without windows and with very bleak artificial lighting, which was insufficient for reading. The cell was not equipped with ventilation or furniture, except for a narrow wooden bench without a mattress or any bedding. The cell was not equipped with a lavatory or wash basin. The applicant had been obliged to call the wardens to take him to the lavatory when they were available. He was not provided with food or drink; he received only the food and drinking water that was passed to him by his family. On 1 January 2011 two members of a public commission for the monitoring of detention facilities visited the police station to check the conditions of the applicant's detention. Their report confirmed that the applicant had been detained in a cell, which did not have a window and was poorly lit, lacked ventilation and had no sanitary facilities, sleeping place, mattress or bedding. They found that the cell was not adequate for a two-day confinement and noted that the applicant had not been receiving hot food. The applicant claimed that the poor conditions of detention had had a negative impact on his health. He submitted a medical certificate indicating that between 3 and 12 January 2011 he had sought medical assistance every day.

Findings. The Court considered that the conditions in which the applicant was held at the police station diminished his dignity and caused him distress and hardship of an intensity exceeding the unavoidable level of suffering inherent in detention. The Court noted that the cell was designed for short-term administrative detention not exceeding three hours and was not suitable for four days' detention because by its design, it lacked the amenities indispensable for prolonged detention. It follows that the conditions of the applicant's detention amounted to inhuman and degrading treatment contrary to Article 3. The Court first observed that the Government did not accept the applicant's description of the conditions of detention at the police station, but agreed with the applicant that the Government had failed to corroborate their alternative account with any evidence. Moreover, the Court noted that the Government did not challenge the authenticity or the accuracy of the report issued by two members of a public commission who had visited the police station on 1 January 2011 to inspect the conditions of the applicant's detention. The Court had no reason to doubt the findings of the commission and accepted their report as a basis for establishing the facts relating to the conditions of the applicant's detention pending trial. The Court reiterated that it had already examined the conditions of detention in police stations in various Russian regions finding them to be in breach of Article 3, and had no reason to conclude differently in this case.

Link to [full decision](#) (PDF)

36. Smertin v. Russia

2 October 2014, ECtHR, Application no. 19027/07

Facts. In 2005, the applicant was arrested on drug-related charges, beaten in police custody and questioned in the absence of a lawyer. After being found guilty by the Balezinskiy District Court of the Republic Udmurtiya and sentenced to imprisonment, he was transferred to temporary detention facility IVS Balezino where he was held for almost a year between 2005 and 2006. The applicant complained that the facility had been overcrowded, the cells were not equipped with windows and water taps and ventilation systems were not functioning. Furthermore, detainees

were not provided with bed linen and were not taken outside for exercise.

Findings. The applicant's submissions were not disputed by the Russian government. The Court found that the conditions of applicant's detention between 2005 and 2006 amounted to inhuman and degrading treatment in violation of Article 3 ECHR.

Link to [full decision](#) (PDF)

37. Gasanov v. Russia

16 October 2014, ECtHR, Application no. 54866/08

Facts. The applicant was arrested on drug-related charges in April 2006. In 2009, he was found guilty of the charges by the Supreme Court. Between July 2006 and May 2008, the applicant was held in pre-trial detention at the police ward in Vyshniy Volochek, where the cells were overcrowded and in a poor sanitary condition. The applicant's grandmother and aunt continued the proceedings following the applicant's death in 2012.

Findings. The applicant's submissions were not disputed by the Russian government. The Court found that the conditions of applicant's detention at the police station in Vyshniy Volochek between July 2006 and May 2008 amounted to inhuman and degrading treatment in violation of Article 3 ECHR.

Link to [full decision](#) (PDF)

38. Adeishvili (Mazmishvili) v. Russia

16 October 2014, ECtHR, Application no. 43553/10

Facts. The applicant is a stateless person of Georgian ethnic origin, who came to Russia in 1991. The applicant sought and obtained Russian citizenship in 2008, which was terminated in 2010 due to irregularities in his citizenship claim. The Russian migration authorities sought his expulsion to Georgia, pending which applicant was held in a special detention center in Ivanovo between July 2010 and February 2011. He was released when expulsion was not deemed possible. Applicant complained of the conditions of his detention pending expulsion, alleging overcrowded cells and poor sanitary conditions.

Findings. The circumstances of the detention conditions could not be conclusively established, as the Government disputed most of applicant's allegations. The Court therefore focused exclusively on the allegations of overcrowding, which the Government failed to refute to the Court's satisfaction, failing to provide supporting evidence to substantiate its claims as well as data on population of the special detention center. The Court relied on the applicant's information that was corroborated by witness statements. The Court accepted that on most days the personal space available to the applicant did not exceed 3 sq. m, and on some occasions it was a little as 1.9 sq. m. The Court found that the conditions of applicant's detention were inhuman and degrading and thus amounted to a breach of Article 3 ECHR.

Link to [full decision](#) (PDF)

39. Chernetskiy v. Russia

16 October 2014, ECtHR, Application no. 18339/04

Facts. Applicant was arrested on suspicion of his involvement in an armed robbery of a store. During interrogation at Lefortovo prison in Moscow, applicant sustained injuries to the head, chest and lower back. It was contested whether the injuries were inflicted during apprehension by private individuals or during interrogation by law enforcement agents.

Findings. The Court emphasized the authorities' obligation to account for injuries caused to persons within their control in custody, and in the absence of any convincing explanation concerning the origin of the applicant's injuries, the Court concluded that the injuries in question, at least in part, were the result of treatment for which the Government bore responsibility. The accumulation of acts of physical violence inflicted on the applicant amounted to inhuman and degrading treatment in contravention of Article 3 ECHR.

Link to [full decision](#) (PDF)

40. Makovoz v. Russia

16 October 2014, ECtHR, Application no. 10011/10

Facts. In 2007 and 2009, the Supreme Court of Russia found applicant guilty of several charges of kidnapping, extortion and planning an assassination and sentenced him to twenty three years imprisonment. Between 15 January and 18 February 2010, the applicant was held in remand prison IZ-47/1 in St. Petersburg. The applicant alleged that the facility was overcrowded, which was not disputed by the Government.

Findings: The Court took account of the photographic evidence presented by the applicant and relied on the structural nature of the problems with conditions in pre-trial detention in Russia, established by the Court on previous occasions. The Court found that the conditions of applicant's detention between January and February 2010 in detention facility IZ-47/1 amounted to inhuman and degrading treatment contrary to the State's obligations under Article 3 ECHR.

Link to [full decision](#) (PDF)

41. Vorobyev v. Russia

16 October 2014, ECtHR, Application no. 33302/08

Facts. In 2005, the applicant was arrested on charges of robbery, theft, forgery and extortion and received a custodial sentence in 2008, which was confirmed in 2009. Between September 2005 and January 2009, applicant was held in remand prison IZ-52/1 in Nizhniy Novgorod. He complained of severely overcrowded cells and poor sanitary conditions. The Government did not dispute these allegations.

Findings. Based on the factual submissions made by the applicant and the Government's acknowledgment, the Court found that conditions of detention between September 2005 and January 2009 in detention facility IZ-52/1 in Nizhniy Novgorod amounted to inhuman and degrading treatment in violation of Article 3 ECHR.

Link to [full decision](#) (PDF)

42. **Belov v. Russia**

16 October 2014, ECtHR, Application no. 27623/06

Facts. In 2006, the applicant was convicted of murder and sentenced to fifteen years of imprisonment. Between July 2005 and January 2007, the applicant was held for sixty-one day in total at temporary detention facility IVS Votkinsk in the Udmurtiya Republic. The 8 sq. m. cell where the applicant was held, housed up to five inmates. No individual beds, mattresses or bed linen were provided and the detainees received only one meal per day. There was no outdoor exercise or heating and only restricted access to daylight. A sanitary inspection service found that the facility held nearly twice as many detainees than it was designed to and that the sanitary state of the facility was poor. The Government did not contest the applicant's submissions.

Findings. The Court took into account acknowledgement of the applicant's allegations by domestic authorities and found that the conditions of detention in IVS Votkinsk amounted to inhuman and degrading treatment in violation of Article 3 ECHR during several periods between July 2005 and January 2007.

Link to [full decision](#) (PDF)

43. **Suldin v. Russia**

16 October 2014, ECtHR, Application no. 20077/04

Facts. The applicant was a chief security officer at Bashneft, a Russian oil company. He was accused of theft and aggravated murder, for which he is now serving a twenty-year sentence in Oechora Prison in the Russian Komi Republic. Pending trial, he was detained at pre-trial detention facility IZ-3/1 in Ufa from May to December 2002 and from February to December 2003. The applicant alleged being held with three others in a 12 sq. m. cell with two bunk beds, a pan in the absence of a lavatory, no separation between the toilet and the living area and an unbearable smell. Improvised separation between the lavatory area and the living area was prohibited by the prison authorities. There was no table in the cell and daily exercise generally did not exceed 30 minutes. At times, the applicant had been held in cells measuring 6 and 4.44 sq. m., which could be occupied by four detainees.

Findings. Since the Government disputed the allegations concerning the detention conditions of the applicant, the Court relied on the quality and credibility of the evidence submitted. In the Court's view, the Government failed to submit original documents relating to the applicant's detention, whereas the more generic data submitted by the Government regarding the number of cells, their size and capacity failed to satisfy the Court. This evidence was in contrast with the detailed evidence on the detention conditions submitted by the applicant. This led the Court to

find that the pre-trial detention facility was overcrowded at the time applicant was held there. Taken together with the poor sanitary conditions that the Government could not credibly refute, the prison conditions amounted to inhuman and degrading treatment contrary to Article 3 ECHR.

Link to [full decision](#) (PDF)

44. Mela v. Russia

23 October 2014, ECtHR, Application no. 34044/08

Facts. The applicant was found guilty of robbery 2008 and received a four-year sentence in correctional colony no. IK-6 in St. Petersburg. Pending the investigation and trial, he was being held in remand facility SIZO No. 1 in St. Petersburg. He complained that he cells in the remand facility were overcrowded, had to be shared with detainees suffering from viral diseases and were not equipped with a separated toilet or a functioning ventilation system. The applicant similarly complained of the conditions in correctional colony IK-6, where the dormitories were overcrowded and applicant was assigned to a 46 sq. m. cell with 25-30 others. There were three toilets in the whole building to be shared with 150 persons. Inmates could shower once a week for seven to thirteen minutes.

Findings. The Court found the evidence submitted by the Russian Government incomplete and selective. Data on cell population in remand prison SIZO no. 1 spanned only twenty days, whereas the applicant had spent over a year in pre-trial detention in overcrowded and poorly sanitary conditions. In the absence of evidence provided by the Government with regards to the conditions in correctional colony no. IK-6, the Court relied on the evidence submitted by the applicant. With regards to both facilities, it found the level of overpopulation and lack of privacy amounting to inhuman and degrading treatment under Article 3 ECHR for the periods between September 2007 and August 2008 (SIZO no. 1), August 2008 and March 2011 (correctional facility IK-6) and August-September 2011 (SIZO no. 1).

Link to [full decision](#) (PDF)

45. Bogomolov v. Russia

30 October 2014, ECtHR, Application no. 57502/12

Facts. The applicant was arrested on drug-related charges and sentenced to six years of imprisonment in 2011. Between June 2011 and June 2012, he was held in remand prison IZ-50/3 in the Moscow Region pending his trial and the appeal. He complained of overcrowded conditions in the detention facility, particularly alleging that his 30 sq. m. cell with ten beds at times housed up to 15 detainees. The Government acknowledged applicant's claims.

Findings. In light of the applicant's submissions and the Government's acknowledgment, the Court found that the conditions of applicant's detention in remand prison IZ-50/3 between June 2011 and June 2012 constituted inhuman and degrading treatment in violation of Article 3 ECHR.

Link to [full decision](#) (PDF)

46. Amirov v. Russia

27 November 2014, ECtHR, Application no. 51857/13

Facts. The applicant is the former Deputy Prime Minister of the Dagestan Republic, one of the constituent entities of the Russian Federation, and former mayor of Dagestan's capital city Makhachkala. Due to a failed assassination attempt, he is paralyzed, wheelchair bound and suffers from serious medical conditions. In June 2013, he was accused of, among others, organized aggravated murder, attempted murder of state officials, firearms trafficking and attempting to organize a terrorist attack. He was subsequently placed in pre-trial detention in a temporary facility in Moscow (SIZO no. 2) and later placed in temporary detention facility no. 4 in Rostov-on-Don. In July 2014, he was convicted of conspiring to organize a terrorist attack and sentenced to ten years' imprisonment. The applicant complained that the medical treatment he received in the Moscow detention facility was inadequate in light of his serious medical conditions.

Findings. The Court found that the Government failed to demonstrate that the applicant received adequate medical treatment in detention. The treatment that the applicant received was incomplete and without proper medical supervision. The sanitary conditions in detention were also poor, which could have serious consequences for him given his weak immune system. The Government had also failed to comply with urgent measures ordered by the Court to alleviate the situation of the applicant. The Court expressed its concern regarding continued lack of adequate medical care upon transfer to the detention facility in Rostov-on-Don. The failure of the Government to provide the applicant with adequate medical care tailored to his needs amounted to inhuman and degrading treatment in violation of Article 3 ECHR.

Link to [full decision](#) (PDF)

47. Navalnyy and Yashin v. Russia

4 December 2014, ECtHR, Application no. 76204/11

Facts. The applicants are prominent Russian opposition activists. In December 2011 they were arrested during an authorized protest against allegedly fraudulent parliamentary elections. That night, they were transferred between three different police stations before being brought before a court the next day that sentenced them to fifteen days of administrative arrest for disobeying police orders. The applicants complained of the conditions of their transfer between the police stations and during their remand at the Kitay-Gorod police station, where they spent twelve and seven hours respectively. They alleged that they were driven around for six hours and were not given food or drinking water, that their 6 sq. m. cell did not have windows or mattresses, was poorly lit and had neither ventilation nor sanitary equipment. They received no food or water until the next day when their families were permitted to bring only drinking water and crackers. The Government accepted most of the facts as presented by the applicants regarding their transfer and conditions of detention.

Findings. The Court took account of the cumulative effect of the long nightly transfer without access to food or drinking water as well as the detention conditions at the Kitay-Gorod police station. It found that these circumstances taken together diminished the dignity of the applicants and exceeded the inevitable level of suffering inherent to detention. This amounted to inhuman

and degrading treatment in violation of Article 3 ECHR.

[Link to full decision](#) (PDF)

48. Shkarupa v. Russia

15 January 2015, ECtHR, Application no. 36461/05

Facts. The applicant was arrested in April 2003 on suspicion of murder and was detained pending trial and the subsequent appeals. His detention continued even after his sentence got quashed in December 2004. In March 2006, he was released on bail and subsequently acquitted in May 2006. He complained of the conditions of his detention in temporary detention facility IVS Berdsk, where he was detained on several occasions between 2003 and 2006 to attend court hearings. The cells where he was held were overcrowded and in a poor state of hygiene. Detainees could shower only once every ten days, there was no partition between the toilet and the living-area of the cells, there were bedbugs, no windows, rarely ventilated, furniture besides the beds, food was served only once a day. The Government did not contest some of the allegations.

Findings. The Court found that in order to be compatible with the requirements of Article 3, places of detention need to be equipped with individual sleeping places for each detainee in the cell, provide at least 3 sq. m. per person, and be sufficiently spacious to allow detainees to move freely between the furniture. If any of these conditions is not met, it creates a strong presumption that conditions were not compatible with Article 3. The Court also takes account of other aspects of detention, such as outdoor exercise, natural light or air, ventilation, heating, the possibility of using the toilet in private and basic sanitary and hygiene conditions. The Court added that the mere fact of holding a person over a longer period of time in a cell designed for short-term usage amounts to a violation of Article 3. Taken together with the structural nature of poor detention conditions in Russia, the Court found applicant's detention situation in IVS Berdsk to amount to inhuman and degrading treatment in violation of Article 3 ECHR.

[Link to full decision](#) (PDF)

49. Nogin v. Russia

15 January 2015, ECtHR, Application no. 58530/08

Facts. The applicant suffers from diabetes. In December 2006, he was convicted of aggravated rape and sentenced to two years and six months imprisonment. He complained of a lack of appropriate medical care both in pre-trial detention facility SIZO no. 1 in Syktyvkar between August and November 2006 as well as in correctional facility IK-31 in Mikun following conviction between December 2006 and March 2009. Particularly, there was a delay of one year and seven months in providing him with critical surgery for his condition. The applicant eventually lost his eyesight, likely due to the delay in providing the appropriate medical care.

Findings. Despite the fact that the prison authorities were aware of applicant's condition and that surgery was specifically recommended by a medical expert, it took the prison authorities more than a year to make arrangements for the surgery, a delay that could not be explained by the Government. The failure to provide the applicant with adequate treatment for his illness,

likely resulting in loss of eyesight, amounted to inhuman and degrading treatment in breach of Article 3 ECHR.

Link to [full decision](#) (PDF)

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