



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

THIRD SECTION

**CASE OF MOZHAROV AND OTHERS v. RUSSIA**

*(Applications nos. 16401/12 and 9 others -  
see appended list)*

JUDGMENT

STRASBOURG

21 March 2017

**FINAL**

**18/09/2017**

*This judgment has become final under Article 44 § 2 of the Convention. It may be  
subject to editorial revision.*



**In the case of Mozharov and Others v. Russia,**

The European Court of Human Rights (Third Section), sitting as a Chamber composed of:

Helena Jäderblom, *President*,

Branko Lubarda,

Luis López Guerra,

Helen Keller,

Dmitry Dedov,

Pere Pastor Vilanova,

Alena Poláčeková, *judges*,

and Stephen Phillips, *Section Registrar*,

Having deliberated in private on 28 February 2017,

Delivers the following judgment, which was adopted on that date:

## PROCEDURE

1. The case originated in applications against the Russian Federation lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on the various dates indicated in the appended table.

2. The Russian Government (“the Government”) were represented by Mr G. Matyushkin, the Representative of the Russian Federation to the European Court of Human Rights.

3. The applications were communicated to the Government.

## THE FACTS

4. The list of applicants and the relevant details of the applications are set out in the appended table.

5. The applicants complained of the inadequate conditions of their detention. They also raised other complaints under the provisions of the Convention.

## THE LAW

### I. JOINDER OF THE APPLICATIONS

6. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

## II. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

7. The applicants complained principally of the inadequate conditions of their detention. They relied on Article 3 of the Convention, which reads as follows:

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

8. The Court notes that the applicants were kept in detention in poor conditions. The details of the applicants’ detention are indicated in the appended table. The Court refers to the principles established in its case-law regarding inadequate conditions of detention (see, for instance, *Muršić v. Croatia* [GC], no. 7334/13, §§ 91-141, ECHR 2016; *Kudła v. Poland* [GC], no. 30210/96, §§ 90-94, ECHR 2000-XI, and *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, §§ 139-165, 10 January 2012). It reiterates in particular that extreme lack of space in a prison cell or overcrowding weighs heavily as an aspect to be taken into account for the purpose of establishing whether the impugned detention conditions were “degrading” from the point of view of Article 3 and may disclose a violation, both alone or taken together with other shortcomings (see, amongst many authorities, *Karalevičius v. Lithuania*, no. 53254/99, §§ 36 - 40, 7 April 2005).

9. In the leading case of *Sergey Babushkin v. Russia* (no. 5993/08, 28 November 2013), the Court already found a violation in respect of issues similar to those in the present case.

10. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. Having regard to its case-law on the subject, the Court considers that in the instant case the applicants’ conditions of detention were inadequate.

11. These complaints are therefore admissible and disclose a breach of Article 3 of the Convention.

## III. REMAINING COMPLAINTS

12. The applicants submitted other complaints which also raised issues under the Convention, in accordance with the relevant well-established case-law of the Court (see appended table). These complaints are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor are they inadmissible on any other ground. Accordingly, they must be declared admissible. Having examined all the material before it, the Court concludes that they also disclose violations of the Convention in the light of its findings in *Sergey Babushkin* case (cited above, §§ 38-45).

## IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

## 13. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

14. Regard being had to the documents in its possession, to its case-law (see, in particular, *Butko v. Russia*, no. 32036/10, 12 November 2015 and *Sergey Babushkin v. Russia*, (just satisfaction), no. 5993/08, 16 October 2014) and the long delay for some of the applicants in filing the application, the Court considers it reasonable to award the sums indicated in the appended table.

15. The Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

## FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the applications admissible;
3. *Holds* that these applications disclose a breach of Article 3 of the Convention concerning the inadequate conditions of detention;
4. *Holds* that there has been a violation as regards the other complaints raised under well-established case-law of the Court (see appended table);
5. *Holds*
  - (a) that the respondent State is to pay the applicants, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the amounts indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
  - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 21 March 2017, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Stephen Phillips  
Registrar

Helena Jäderblom  
President

## APPENDIX

List of applications raising complaints under Article 3 of the Convention  
(inadequate conditions of detention)

| No. | Application no.<br>Date of introduction | Applicant name<br>Date of birth                            | Representative<br>name and location | Facility<br>Start and end date<br>Duration                                                                             | Number of<br>inmates per<br>brigade<br>Sq. m. per<br>inmate<br>Number of<br>toilets per<br>brigade | Specific grievances                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Other complaints<br>under well-<br>established case-<br>law                             | Amount<br>awarded for<br>pecuniary<br>and non-<br>pecuniary<br>damage and<br>costs and<br>expenses<br>per applicant<br>(in euros) <sup>1</sup> |
|-----|-----------------------------------------|------------------------------------------------------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.  | 16401/12<br>25/02/2012                  | <b>Vladimir<br/>Sergeyevich<br/>Mozharov</b><br>31/01/1971 |                                     | IK-11 Bor<br>Nizhniy<br>Novgorod Region<br>03/10/2011 to<br>16/12/2014<br>3 year(s) and<br>2 month(s) and<br>14 day(s) | 130 inmate(s)<br>2.2 m <sup>2</sup><br>6 toilet(s)                                                 | small walking yard of 73 sq.m. for 260 inmates, six sinks, no hot water, cold premises, poor food quality, meals intake for 5 min., not provided with warm seasonal clothes and shoes, poor quality of bedding, weekly shower for 40 min. for 40 inmates, 10 shower heads, unsanitary conditions in shower                                                                                                                                                                                                                                                                             | Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention | 11,800                                                                                                                                         |
| 2.  | 67528/14<br>04/09/2014                  | <b>Ivan<br/>Aleksandrovich<br/>Tumanov</b><br>26/12/1980   |                                     | Prison hospital<br>No. LIU-51<br>Nizhniy Tagil<br>05/05/2013 to<br>13/03/2014<br>10 month(s) and<br>9 day(s)           | 200 inmate(s)<br>1.8 m <sup>2</sup><br>3 toilet(s)                                                 | 3 sinks, 3 urinals, squat toilets inadequately separated from one another and without doors, absence of toilet flushing system allowed unpleasant odour to permeate the premises, no fresh air, no ventilation, damp and cold premises with wall covered with mould, infestation with fleas, cockroaches, spiders, worms, mice and rats, no disinfection by the administration, lack of natural light, dim electric light, inmates with open tuberculosis, worn and dirty bed linen and bedding plus their unpleasant odour, shower once in 8 days - 8 min. per inmate, 9 shower heads | Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention | 5,000                                                                                                                                          |

| No. | Application no.<br>Date of introduction | Applicant name<br>Date of birth                           | Representative<br>name and location                  | Facility<br>Start and end date<br>Duration                                                       | Number of<br>inmates per<br>brigade<br>Sq. m. per<br>inmate<br>Number of<br>toilets per<br>brigade | Specific grievances                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Other complaints<br>under well-<br>established case-<br>law                             | Amount<br>awarded for<br>pecuniary<br>and non-<br>pecuniary<br>damage and<br>costs and<br>expenses<br>per applicant<br>(in euros) <sup>1</sup> |
|-----|-----------------------------------------|-----------------------------------------------------------|------------------------------------------------------|--------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.  | 74106/14<br>13/11/2014                  | <b>Aleksandr<br/>Igorevich<br/>Sakharov</b><br>21/03/1987 | Vinogradov<br>Aleksandr<br>Vladimirovich<br>Kostroma | IK-4 Ostrovskoe<br>Kostroma Region<br>26/10/2008 to<br>25/07/2014<br>5 year(s) and<br>9 month(s) | 120 inmate(s)<br>1.9 m <sup>2</sup><br>3 toilet(s)                                                 | critical condition of the building, damp and cold premises - walls covered with mould and in winter with ice, infestation with rats, lice and bedbugs, no disinfection and disinfectants by administration, small and damp walking yard with iron fence of 3 m. high without greenery and with unpleasant odour of sewage, no ventilation, four pairs of hot/cold water taps in bathroom, low water pressure, poor quality of running/drinking water, squat toilet without doors, one urinal of 1.5 m., toilet in view of the guard of opposite sex, inmates infected with HIV and tuberculosis, lack of fresh air and natural light, dim electric light, poor quality of tableware | Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention | 5,000                                                                                                                                          |
| 4.  | 77730/14<br>09/12/2014                  | <b>Aleksey Yuryevich<br/>Kirillov</b><br>15/04/1964       | Vinogradov<br>Aleksandr<br>Vladimirovich<br>Kostroma | IK-1 Kostroma<br>15/09/2011 to<br>24/11/2014<br>3 year(s) and<br>2 month(s) and<br>10 day(s)     | 140 inmate(s)<br>1.5 m <sup>2</sup><br>4 toilet(s)                                                 | critical condition of the building, 4 sinks, no hot water, regular water interruption, damp and cold premises, walls covered with mould and in winter with ice, infestation with rats, lice and bedbugs, no disinfection and disinfectants by administration, distance between sleeping places of 40 cm, small and damp walking yard with iron fence of 3 m. high, without greenery and with unpleasant odour of sewage, squat toilet without doors in view of the guard of opposite sex, poor food quality                                                                                                                                                                         | Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention | 5,000                                                                                                                                          |

| No. | Application no.<br>Date of introduction | Applicant name<br>Date of birth                   | Representative<br>name and location                  | Facility<br>Start and end date<br>Duration                                                     | Number of<br>inmates per<br>brigade<br>Sq. m. per<br>inmate<br>Number of<br>toilets per<br>brigade | Specific grievances                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Other complaints<br>under well-<br>established case-<br>law                             | Amount<br>awarded for<br>pecuniary<br>and non-<br>pecuniary<br>damage and<br>costs and<br>expenses<br>per applicant<br>(in euros) <sup>1</sup> |
|-----|-----------------------------------------|---------------------------------------------------|------------------------------------------------------|------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.  | 77733/14<br>09/12/2014                  | <b>Petr Petrovich Gladko</b><br>03/10/1957        | Vinogradov<br>Aleksandr<br>Vladimirovich<br>Kostroma | IK-1 Kostroma<br>27/05/2007 to<br>10/09/2014<br>7 year(s) and<br>3 month(s) and<br>15 day(s)   | 100 inmate(s)<br>1 m <sup>2</sup><br>3 toilet(s)                                                   | critical condition of the building, no toilet flushing system, urinal of 70 cm, 3 sinks, no hot water, low water pressure, small walking yard of 40 sq.m. for 300 inmates with an iron fence of 4 m. - lack of sunlight and wind, unpleasant odour of sewage in the walking yard, infestation with bedbugs and lice, no disinfection by administration, poor food quality                                                                                                                                  | Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention | 5,000                                                                                                                                          |
| 6.  | 77916/14<br>09/12/2014                  | <b>Pavel Nikolayevich Andreyev</b><br>18/06/1983  | Vinogradov<br>Aleksandr<br>Vladimirovich<br>Kostroma | IK-1 Kostroma<br>15/09/2011 to<br>24/11/2014<br>3 year(s) and<br>2 month(s) and<br>10 day(s)   | 140 inmate(s)<br>1.5 m <sup>2</sup><br>4 toilet(s)                                                 | 4 sinks, no hot water, regular water interruption, distance between sleeping places of 40 cm, damp and cold premises, walls covered with mould and in winter with ice, infestation with rats, lice and bedbugs, no disinfection and disinfectants by administration, small walking yard with iron fence of 3 m. high, damp walking yards without greenery and with unpleasant odour of sewage, squat toilet without doors, toilet in view of the administration members of opposite sex, poor food quality | Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention | 5,000                                                                                                                                          |
| 7.  | 6141/15<br>16/01/2015                   | <b>Fedor Fedorovich Krasnobayev</b><br>02/06/1988 | Vinogradov<br>Aleksandr<br>Vladimirovich<br>Kostroma | IK-4 Ostrovskoe<br>Kostroma Region<br>15/10/2008 to<br>15/10/2014<br>6 year(s) and<br>1 day(s) | 120 inmate(s)<br>3 toilet(s)                                                                       | less than 2 sq.m. per inmate, one urinal of 1.5 m., squat toilets without doors – those using toilets were observed by guards of opposite sex, damp premises covered with mould, in winter walls covered with ice, infestation with rats and bedbugs, no sanitary measures by administration                                                                                                                                                                                                               | Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention | 5,000                                                                                                                                          |

| No. | Application no.<br>Date of introduction | Applicant name<br>Date of birth                            | Representative<br>name and location                  | Facility<br>Start and end date<br>Duration                                                                                   | Number of<br>inmates per<br>brigade<br>Sq. m. per<br>inmate<br>Number of<br>toilets per<br>brigade | Specific grievances                                                                                                                                                          | Other complaints<br>under well-<br>established case-<br>law                                            | Amount<br>awarded for<br>pecuniary<br>and non-<br>pecuniary<br>damage and<br>costs and<br>expenses<br>per applicant<br>(in euros) <sup>1</sup> |
|-----|-----------------------------------------|------------------------------------------------------------|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| 8.  | 8376/15<br>02/02/2015                   | <b>Yevgeniy Igorevich<br/>Zenov</b><br>01/01/1983          | Vinogradov<br>Aleksandr<br>Vladimirovich<br>Kostroma | IK-1 Kostroma<br>07/11/2013 to<br>10/09/2014<br>10 month(s) and<br>4 day(s)                                                  | 60 inmate(s)                                                                                       | less than 2 sq.m. per inmate, 1 sink, infestation<br>with bedbugs, lack of sunlight in the walking<br>yard, no disinfection measures by administration,<br>poor food quality | Art. 13 - lack of<br>any effective<br>remedy in respect<br>of inadequate<br>conditions of<br>detention | 5,000                                                                                                                                          |
| 9.  | 9166/15<br>02/02/2015                   | <b>Ivan Vasilyevich<br/>Letyago</b><br>24/11/1975          |                                                      | IK-11 Bor<br>Nizhniy<br>Novgorod Region<br>28/07/2009<br>pending<br>More than<br>7 year(s) and<br>7 month(s) and<br>7 day(s) | 135 inmate(s)<br>1.2 m <sup>2</sup>                                                                | 6 sinks, poor food quality, no warm seasonal<br>clothes and shoes, 5 min. for food intake                                                                                    | Art. 13 - lack of<br>any effective<br>remedy in respect<br>of inadequate<br>conditions of<br>detention | 11,500                                                                                                                                         |
| 10. | 12321/15<br>22/04/2015                  | <b>Aleksandr<br/>Viktorovich<br/>Dyadkov</b><br>17/09/1987 |                                                      | IK-11 Bor<br>Nizhniy<br>Novgorod Region<br>28/08/2012<br>pending<br>More than<br>4 year(s) and<br>6 month(s) and<br>7 day(s) | 135 inmate(s)<br>1.5 m <sup>2</sup><br>6 toilet(s)                                                 | 6 sinks, no hot water, poor food quality, not<br>provided with warm seasonal clothes and shoes,<br>meals intake for 5 min.                                                   | Art. 13 - lack of<br>any effective<br>remedy in respect<br>of inadequate<br>conditions of<br>detention | 10,500                                                                                                                                         |

<sup>1</sup>. Plus any tax that may be chargeable to the applicants.