

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

THIRD SECTION

CASE OF ALEKSEYEV v. RUSSIA

(Application no. 16241/18)

JUDGMENT

STRASBOURG

13 October 2022

This judgment is final but it may be subject to editorial revision.



In the case of Alekseyev v. Russia,

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

Darian Pavli*, President,*
Andreas Zünd*,*
Frédéric Krenc*, judges,*

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 15 September 2022,

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

PROCEDURE

1. The case originated in an application against Russia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 20 March 2018.

2. The Russian Government ("the Government") were given notice of the application.

THE FACTS

3. The applicant's details and information relevant to the application are set out in the appended table.

4. The applicant complained about his confinement in a metal cage in the courtroom during the criminal proceedings against him. He also raised other complaints under the provisions of the Convention.

THE LAW

I. THE GOVERNMENT'S REQUEST TO STRIKE PART OF THE APPLICATION OUT

5. The Government submitted a unilateral declaration whereby they acknowledged a violation of Article 3 of the Convention on account of the conditions of the applicant's transport on several occasions during the period between 14 September 2017 and 28 February 2018. The Government offered to pay the applicant 1,000 euros (EUR) and invited the Court to strike the application out of the list of cases in accordance with Article 37 § 1 (c) of the Convention. The said amount would be converted into the currency of the respondent State at the rate applicable on the date of payment and would be payable within three months from the date of notification of the Court's decision. In the event of failure to pay that amount within the above-mentioned three-month period, the Government undertook to pay simple interest on it, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

6. The applicant accepted the Government's proposal.

7. In the light of the applicant's express agreement to the terms of the declaration made by the Government, the parties may be considered to have reached a friendly settlement.

8. The Court takes note of the friendly settlement agreement. It is satisfied that it is based on respect for human rights as defined in the Convention and the Protocols thereto, and finds no reasons to justify the continued examination of the application in that part.

9. It is hence appropriate to strike the case out of the Court's list in the part covered by the friendly settlement in accordance with Article 39 § 3 of the Convention.

II. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

10. The applicant complained principally about his confinement in a metal cage in the courtroom during the criminal proceedings against him. He relied on Article 3 of the Convention, which reads as follows:

Article 3

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

11. The Court notes that the applicant was kept a metal cage in the courtroom in the context of his trial. In the leading cases of *Svinarenko and Slyadnev v. Russia [GC],* nos. 32541/08 and 43441/08, ECHR 2014 (extracts) and *Vorontsov and Others v. Russia,* nos. 59655/14 and 2 others, 31 January 2017, the Court already dealt with the issue of the use of metal cages in courtrooms and found that such a practice constituted in itself an affront to human dignity and amounted to degrading treatment prohibited by Article 3 of the Convention.

12. 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 applicant's confinement in a metal cage before the court during the criminal proceedings against him amounted to degrading treatment.

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

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

14. 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."

15. Regard being had to the documents in its possession and to its case-law (see, in particular, *Vorontsov and Others,* cited above), the Court considers it reasonable to award the sum indicated in the appended table.

16. The Court further 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*, in accordance with Article 39 of the Convention, to strike out of its list of cases the application in the part concerning the complaint under Article 3 of the Convention about conditions of the applicant's transport;

2. *Declares* the remaining part of the application admissible;

3. *Holds* that this application discloses a breach of Article 3 of the Convention on account of the applicant's placement in a metal cage before the court during the criminal proceedings against him;

4. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the amount 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 13 October 2022, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina	Darian Pavli
Acting Deputy Registrar	President

APPENDIX

Application raising complaints under Article 3 of the Convention (use of metal cages in courtrooms)

Application no. Date of introduction	Applicant's name Year of birth	Name of the court Date of the relevant judgment	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[1]
16241/18 20/03/2018	**Aleksandr Vladimirovich ALEKSEYEV** 1982	IZ-2/35 Vologda (appeal hearing via videoconference) Vologda Town Court 28/02/2018	1,000 (under the friendly settlement between the parties) 7,500 in respect of the violation of Article 3 found by the Court in view of the applicant's placement in a metal cage in the court hearings

[1] Plus any tax that may be chargeable to the applicant.