

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

THIRD SECTION

CASE OF BIKBULATOV v. RUSSIA

(Application no. 71537/17)

JUDGMENT

STRASBOURG

6 February 2025

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

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

In the case of Bikbulatov v. Russia,

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

Diana Kovatcheva*, President*,
Úna Ní Raifeartaigh,
Mateja Đurović*, judges*,
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 16 January 2025,

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 12 September 2017.

2. The applicant was represented by Mrs V. Bokareva, a lawyer practising in Moscow.

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

THE FACTS

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

5. The applicant complained of the restrictions on family visits in pre-trial detention facilities. He also raised a complaint under Article 13 of the Convention.

THE LAW

I. JURISDICTION

6. The Court observes that the facts giving rise to the alleged violations of the Convention occurred prior to 16 September 2022, the date on which the Russian Federation ceased to be a party to the Convention. The Court therefore decides that it has jurisdiction to examine the present application (see *Fedotova and Others v. Russia* [GC], nos. 40792/10 and 2 others, §§ 68-73, 17 January 2023).

II. ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

7. The applicant complained of the restrictions on family visits in pre-trial detention facilities. He relied on Article 8 of the Convention.

8. In the leading cases of *Andrey Smirnov v. Russia*, no. 43149/10, §§ 35-57, 13 February 2018, *Resin v. Russia*, no. 9348/14, 18 December 2018, *Chaldayev v. Russia*, no. 33172/16, 28 May 2019, *Pshibiyev and Berov v. Russia*, no. 63748/13, 9 June 2020, and *Mukhametov and Others v. Russia*, nos. 53404/18 and 3 others, 14 December 2021, the Court already found a violation in respect of issues similar to those in the present case.

9. 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 refusals of family visits were not "in accordance with law".

10. These complaints are therefore admissible and disclose a breach of Article 8 of the Convention.

III. OTHER ALLEGED VIOLATIONS UNDER WELL-ESTABLISHED CASE-LAW

11. The applicant also submitted a complaint under Article 13 of the Convention, given the relevant well-established case-law of the Court (see the appended table). This complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor is it inadmissible on any other ground. Accordingly, it must be declared admissible. Having examined all the material before it, the Court concludes that it also discloses a violation of the Convention in the light of its findings in *Pavlova v. Russia*, no. 8578/12, §§ 29-33, 18 February 2020, as regards the lack of an effective remedy in respect of the complaint about restrictions on family visits in pre-trial detention facilities.

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

12. Regard being had to the documents in its possession and taking into account the previous awards made by the Court to the applicant (compare *Ivanov and Others v. Russia* [Committee], nos. 44363/14 and 2 others, § 12, 4 June 2020, and *Puzanov v. Russia* [Committee], nos. 26895/14 and 2 other applications, § 13, 15 September 2022), the Court considers that the finding of a violation will constitute in itself sufficient just satisfaction.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Holds* that it has jurisdiction to deal with this application as it relates to facts that took place before 16 September 2022;

2. *Declares* the application admissible;

3. *Holds* that this application discloses a breach of Article 8 of the Convention concerning the restrictions on family visits in pre-trial detention facilities and of Article 13 of the Convention related to the lack of an effective domestic remedy to complaint about the restrictions on family visits in detention;

4. *Holds* that the finding of a violation will constitute in itself sufficient just satisfaction.

Done in English, and notified in writing on 6 February 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina Acting Deputy Registrar	Diana Kovatcheva President

APPENDIX

Application raising complaints under Article 8 of the Convention (restrictions on family visits in pre-trial detention facilities)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Detention facility	Type of restriction	Other relevant information	Other complaints under well-established case-law
71537/17 12/09/2017	**Dmitriy Robertovich BIKBULATOV** 1968	Bokareva Valentina Aleksandrovna Moscow	SIZO-1 Tatarstan Republic	refusal of long-term family visits, refusal of short-term family visits	partner; restriction on family visits in the period from 14 June 2016 and until at least 16 March 2018	Art. 13 - lack of an effective remedy against refusals of family visits in detention