

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

THIRD SECTION

CASE OF BIKBULATOV v. RUSSIA

(Application no. 5279/19)

JUDGMENT

STRASBOURG

15 May 2025

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



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 24 April 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 28 December 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 of the inadequate conditions of detention during his transport. He also raised other complaints under the provisions of the Convention.

THE LAW

I. JURISDICTION

5. 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 3 OF THE CONVENTION

6. The applicant complained principally of the inadequate conditions of detention during his transport. He relied on Article 3 of the Convention.

7. The Court notes that the applicant was detained in poor conditions during transport. The details of the applicant's transport are indicated in the appended table. The Court refers to the principles established in its case-law

regarding cramped and defective conditions during the transit of prisoners (see *Tomov and Others v. Russia*, nos. 18255/10 and 5 others, §§ 124-27, 9 April 2019). It reiterates, in particular, that a strong presumption of a violation arises when detainees are transported in conveyances offering less than 0.5 square metres of space per person, regardless of whether such cramped conditions result from an excessive number of detainees being transported together or from the restrictive design of compartments (ibid., § 125). As regards longer journeys, factors such as a failure to arrange an individual sleeping place for each detainee or to secure an adequate supply of drinking water and food or access to the toilet seriously aggravate the situation of prisoners during transfers and are indicative of a violation of Article 3 (ibid., § 127).

8. In the leading cases of *Idalov v. Russia* [GC], no. 5826/03, §§ 103-08, 22 May 2012, and *Tomov and Others* (cited above), the Court already found a violation in respect of issues similar to those in the present case. 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 this complaint. Having regard to its case-law on the subject, the Court considers that in the instant case the applicant's conditions of detention during his transport were inadequate.

9. This complaint is therefore admissible and discloses a breach of Article 3 of the Convention.

III. REMAINING COMPLAINTS

10. The applicant also raised other complaints under various Articles of the Convention.

11. The Court has examined the application and considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints either do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention.

12. It follows that this part of the application must be rejected in accordance with Article 35 § 4 of the Convention.

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

13. Regard being had to the documents in its possession and to its case-law (see, in particular, *Pukhachev and Zaretskiy v. Russia,* nos. 17494/16 and 29203/16, 16 November 2017), the Court considers it reasonable to award the sum indicated in the appended table and dismisses the remainder of the applicant's claims for just satisfaction.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

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

2. *Declares* the complaint concerning the inadequate conditions of detention during transport admissible, and the remainder of the application inadmissible;

3. *Holds* that this complaint discloses a breach of Article 3 of the Convention;

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 amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

5. *Dismisses* the remainder of the applicant's claims for just satisfaction.

Done in English, and notified in writing on 15 May 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina	Diana Kovatcheva
Acting Deputy Registrar	President

APPENDIX

Application raising complaints under Article 3 of the Convention (inadequate conditions of detention during transport)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Means of transport Start and end date	Sq. m per inmate	Specific grievances	Amount awarded for non-pecuniary damage per applicant (in euros)[1]
5279/19 28/12/2018	**Aleksandr Dmitriyevich BIKBULATOV** 1987	Bokareva Valentina Aleksandrovna Moscow	transit cell, van 10/06/2016 to 31/07/2018	0.2-0.3 m²	applicant transported on numerous occasions, overcrowding, no or restricted access to toilet, lack of fresh air, constant electric light	1,000

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