

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

THIRD SECTION

CASE OF GOLUBEV v. RUSSIA

(Application no. 66647/17)

JUDGMENT

STRASBOURG

6 February 2025

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



In the case of Golubev 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 20 August 2017.

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 restrictions on family visits in pre-trial detention facilities. 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 8 § 1 OF THE CONVENTION

6. The applicant complained principally of the restrictions on family visits in pre-trial detention facilities. He relied on Article 8 § 1 of the Convention.

7. The Court has already established in earlier cases against Russia that, in the absence of any factual elements pointing to the danger posed by the prisoner or to the existence of a security risk, the automatic application of

restrictions on family visits, including a refusal of short-term visits to prisoners detained in pre-trial detention facilities, cannot be justified as being "necessary in a democratic society" and amounted to a violation of Article 8 of the Convention (see *Andrey Smirnov v. Russia*, no. 43149/10, §§ 32-57, 13 February 2018, and *Pavlova v. Russia*, no. 8578/12, §§ 21-28, 18 February 2020).

8. 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. It discerns no factual elements justifying the authorities' refusal of short-term visits to the applicant. Accordingly, the Russian authorities overstepped their margin of appreciation and failed to justify the interference with the applicant's rights under Article 8 as having been "necessary in a democratic society".

9. This complaint is therefore admissible and discloses a breach of Article 8 of the Convention.

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

10. The applicant submitted another complaint which also raised issues under 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, regarding the lack of effective remedies to challenge the refusals of family visits.

IV. REMAINING COMPLAINTS

11. The applicant raised additional complaints under Articles 8 and 13 of the Convention. In view of the findings in paragraphs 8 and 9 above, the Court considers that there is no need to deal separately with these remaining complaints.

V. APPLICATION OF ARTICLE 41 OF THE CONVENTION

12. Regard being had to the documents in its possession and to its case-law (see, in particular, *Mukhametov and Others v. Russia,* nos. 53404/18 and 3 others, 14 December 2021), the Court considers it reasonable to award the sum indicated in the appended table.

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 complaints concerning the refusal of family visits and the lack of effective remedies in this respect admissible, and *finds* that it is not necessary to examine separately the remaining complaints raised by the applicant;

3. *Holds* that this application discloses a breach of Article 8 § 1 of the Convention on account of the restrictions on family visits in pre-trial detention facilities;

4. *Holds* that there has been a violation of Article 13 of the Convention in respect of the lack of effective remedies to challenge a refusal of family visits (see appended table);

5. *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.

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	Detention facility	Type of restriction	Other relevant information	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[1]
66647/17 20/08/2017	**Aleksandr Aleksandrovich GOLUBEV** 1980	SIZO - 2 in Moscow	refusal of short-term family visits	On 24 August 2016 the applicant was arrested and placed in pre-trial detention. He stayed in remand prison SIZO-2 in Moscow at least until the date of lodging the application. While in detention, the applicant asked several times to have short-term family visits and to call his wife. All his requests were refused by the investigators; the court refused to consider his complaints because there was no evidence of prejudice to his rights.	Art. 13 - lack of an effective remedy against refusals of short-term family visits	3,500

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