

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

THIRD SECTION

CASE OF GVOZDEV v. RUSSIA

(Application no. 29606/19)

JUDGMENT

STRASBOURG

1 December 2022

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



In the case of Gvozdev v. Russia,

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

Darian Pavli, *President*,
Ioannis Ktistakis,
Andreas Zünd*, judges*,
and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 10 November 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 21 May 2019.

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. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

5. 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."

6. 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,* no. 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.

7. 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 confinement in a metal cage before the court during the criminal proceedings against him amounted to degrading treatment.

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

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

9. The applicant submitted other complaints which also raised issues under Article 3 and 13 of the Convention, given 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 *Blokhin v. Russia* [GC], no. 47152/06, §§ 120-50, 23 March 2016, and *Reshetnyak v. Russia*, no. 56027/10, §§ 49-90, 8 January 2013, as regards medical negligence in detention and lack of effective remedies in that connection (for further details see appended table).

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 or the Protocols thereto.

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

12. 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."

13. 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.

14. 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. *Declares* the complaints concerning the use of metal cages in courtrooms and the other complaints under well-established case-law of the Court, as set out in the appended table, admissible, and the remainder of the application inadmissible;

2. *Holds* that there has been 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;

3. *Holds* that there has been a violation of the Convention as regards the other complaints raised under well-established case-law of the Court (see appended table);

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.

Done in English, and notified in writing on 1 December 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	Start date	End date	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[1]
29606/19 21/05/2019	**Aleksandr Aleksandrovich GVOZDEV** 1981	Usinskiy Town Court of Komi Republic, Supreme Court of Komi Republic	24/04/2018	05/03/2019	Art. 3 - inadequate medical treatment in detention Art. 13 - lack of effective remedy under domestic law to complain about poor medical aid in detention: The applicant has suffered from hepatitis since 2014; no testing or treatment were performed during his detention in 2017-2020. The domestic courts acknowledged the shortcoming and awarded RUB 11,000 (approximately 150 euros). 17/08/2020, Supreme Court of Komi Republic; no effective remedy in Russia in respect of on-going lack of proper medical assistance for detainees.	19,500

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