

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

THIRD SECTION

CASE OF ISLAMOV v. RUSSIA

(Application no. 29090/20)

JUDGMENT

STRASBOURG

15 September 2022

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

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

In the case of Islamov v. Russia,

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

Darian Pavli*, President,*
Andreas Zünd*,*
Mikhail Lobov*, judges,*
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 25 August 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 10 June 2020.

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 permanent video surveillance in a post-conviction detention facility. He also raised other complaints under Article 3 of the Convention.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

5. The applicant complained principally of the permanent video surveillance of detainees in a post-conviction detention facility. He relied on Article 8 of the Convention, which reads as follows:

> "1. Everyone has the right to respect for his private ... life ...
>
> 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

6. The Court has already established, in an earlier case against Russia, that the national legal framework governing the placement of detainees under permanent video surveillance in penal institutions falls short of the standards set out in Article 8 of the Convention (see *Gorlov and Others v. Russia* (nos. 27057/06 and 2 others, 2 July 2019). In *Gorlov and Others*, the Court

summed up the general principles concerning the detainees' right to respect for private life reiterating that placing a person under permanent video surveillance whilst in detention was to be regarded as a serious interference with the individual's right to respect for his or her privacy (ibid., §§ 81-82). It has further concluded that the national law (1) cannot be regarded as being sufficiently clear, precise or detailed to have afforded appropriate protection against arbitrary interference by the authorities with the detainees' right to respect of their private life (ibid., §§ 97-98) and (2) does not presuppose any balancing exercise or enable an individual to obtain a judicial review of the proportionality of his or her placement under permanent video surveillance to the vested interests in securing his or her privacy (ibid., § 108).

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 these complaints. It considers, regard being had to the case-law cited above, that in the instant case the placement of the applicant under permanent video surveillance when confined to his cells in a post-conviction detention facility was not "in accordance with law".

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

II. REMAINING COMPLAINTS

9. The applicant also raised other complaints under Article 3 of the Convention.

10. 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 matter complained of is within its competence, this complaint either does not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or does 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.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

11. 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."

12. Regard being had to the documents in its possession and to its case law (see, in particular, *Gorlov and Others*, cited above, with further references, § 120, which imposed on the respondent State a legal obligation,

under Article 46 of the Convention, to implement, under the supervision of the Committee of Ministers, such measures as they consider appropriate to secure the right of the applicants and other persons in their position to respect of their private life), the Court considers that the finding of a violation constitutes a sufficient just satisfaction in the present case.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint concerning the permanent video surveillance of the applicant in a post-conviction detention facility admissible, and the remainder of the application inadmissible;

2. *Holds* that this complaint discloses a breach of Article 8 of the Convention concerning the permanent video surveillance in the post-conviction detention facility;

3. *Holds* that the finding of a violation in respect of the complaint concerning the permanent video surveillance in the post-conviction detention facility constitutes in itself sufficient just satisfaction.

Done in English, and notified in writing on 15 September 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 8 § 1 of the Convention (permanent video surveillance of detainees in pre-trial or post-conviction detention facilities)

Application no. Date of introduction	Applicant's name Year of birth	Detention facility	Period of detention	Specific circumstances
29090/20 10/06/2020	**Anzor Khalidovich ISLAMOV** 1985	IK-5 Krasnoyarsk Region	27/01/2021 - 20/06/2021	opposite-sex operators