

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

THIRD SECTION

CASE OF KHUBIYEV v. RUSSIA

(Application no. 11687/21)

JUDGMENT

STRASBOURG

12 June 2025

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



In the case of Khubiyev v. Russia,

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

Diana Kovatcheva*, President*,
Mateja Đurović,
Canòlic Mingorance Cairat*, judges*,
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 22 May 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 1 January 2021.

2. The applicant was represented by Ms Y. Yefremova, 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 inadequate conditions of detention under strict imprisonment regime, in particular, about his routine handcuffing. He also raised other complaints under the provisions 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 3 OF THE CONVENTION

7. The applicant complained principally of the inadequate conditions of detention under strict imprisonment regime, in particular, he referred to his routine handcuffing. He relied on Article 3 of the Convention.

8. The general principles regarding the prohibition of torture or inhuman or degrading treatment or punishment in the context of deprivation of liberty, as guaranteed by Article 3 of the Convention, have been stated in a number of the Court's previous judgments (see, among many other authorities, *Muršić v. Croatia* [GC], no. 7334/13, §§ 96-100, 20 October 2016, and *Harakchiev and Tolumov v. Bulgaria*, nos. 15018/11 and 61199/12, § 199, ECHR 2014 (extracts)).

9. In the leading cases of *N.T. v. Russia*, no. 14727/11, §§ 53-56, 2 June 2020, and *Shlykov and Others v. Russia*, nos. 78638/11 and 3 others, §§ 72-76, 19 January 2021, the Court already found a violation in respect of issues similar to those in the present case.

10. 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 rights were violated as a result of his routine handcuffing during his detention.

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

III. REMAINING COMPLAINTS

12. The applicant further raised the issue of the lack of effective remedies under Article 13 of the Convention in respect of his complaint. Having regard to the facts of the case, the submissions of the parties, and its findings above, the Court considers that it has dealt with the main legal question raised by the applicant (see above) and that there is no need to examine this complaint (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014, and *Ionov and Klimenko v. Russia* [Committee], nos. 9289/15 and 33932/17, § 11, 30 March 2023).

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, *N.T.*, cited above, §§ 59-61, and *Shlykov and Others*, cited above, § 111), as well as taking into account the previous award made by the Court to the applicant (see *Yemanov and Others v. Russia* [Committee], 42771/19 and 22 other applications, §12, 15 February 2024),

the Court considers that the finding of a violation in this case 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 the facts that took place before 16 September 2022;

2. *Declares* the complaint concerning the inadequate conditions of detention under strict imprisonment regime, in particular, routine handcuffing of the applicant, admissible, and *decides* that it is not necessary to examine separately the applicant's remaining complaints;

3. *Holds* that the application discloses a breach of Article 3 of the Convention concerning the inadequate conditions of detention under strict imprisonment regime, in particular, the applicant's routine handcuffing;

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

Done in English, and notified in writing on 12 June 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 3 of the Convention (inadequate conditions of detention under strict imprisonment regime)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility	Start and end date of detention under strict regime
11687/21 01/01/2021	**Arasul Pavlovich KHUBIYEV** 1977	Yefremova Yekaterina Viktorovna Moscow	IK-2 Perm Region	Since 14/02/2012 and ongoing at least as of the date of lodging the application (routine handcuffing)