

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

THIRD SECTION

CASE OF MISHKINA v. RUSSIA

(Application no. 61953/15)

JUDGMENT

STRASBOURG

10 July 2025

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



In the case of Mishkina v. Russia,

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

Diana Kovatcheva*, President*,
Canòlic Mingorance Cairat,
Vasilka Sancin*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 19 June 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 10 October 2015.

2. The applicant was represented by Mr A. Chugunov, a lawyer practising in Tver Region.

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 about her confinement in a metal cage in the courtroom during the criminal proceedings against her. She 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 about her confinement in a metal cage in the courtroom during the criminal proceedings against her. She relied on Article 3 of the Convention. The applicant also complained that she had

not had an effective domestic remedy in respect of her grievance under Article 3, contrary to Article 13 of the Convention.

8. The Court notes that the applicant was kept in a metal cage in the courtroom in the context of her 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,* nos. 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.

9. 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 her amounted to degrading treatment.

10. The complaint is therefore admissible and discloses a breach of Article 3 of the Convention.

11. In view of the above finding under Article 3 of the Convention, the Court considers that there is no need to deal separately with the applicant's complaint under Article 13 of the Convention (for similar approach see *Valyuzhenich v. Russia*, no. 10597/13, § 27, 26 March 2019).

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

12. The applicant submitted other complaints which also raised issues under 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 *Tomov and Others v. Russia*, nos. 18255/10 and 5 others, 9 April 2019, concerning inadequate conditions of transport and lack of an effective remedy in this regard.

IV. REMAINING COMPLAINTS

13. Finally, the applicant also raised additional complaints under Articles 3 and 6 of the Convention.

14. The Court has examined these complaints 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 and, therefore, must be rejected in accordance with Article 35 § 4 of the Convention, or do not need to be examined separately in view of the Court's finding in paragraph 10 above.

V. APPLICATION OF ARTICLE 41 OF THE CONVENTION

15. 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 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 facts that took place before 16 September 2022;

2. *Declares* the complaint concerning the applicant's placement in the metal cage before the court during the criminal proceedings against her and the other complaints under the well-established case-law of the Court, as set out in the appended table, admissible, and *decides* that the remaining complaints are inadmissible or that it is not necessary to examine them separately;

3. *Holds* that there has been a violation 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 her;

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

   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 10 July 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 (use of metal cages and/or other security arrangements in courtrooms)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Name of the court Date of the relevant judgment	Other complaints under well-established case-law	Amount awarded for non-pecuniary damage per applicant (in euros)[1]
61953/15 10/10/2015	**Irina Anatolyevna MISHKINA** 1984	Chugunov Artem Aleksandrovich Tver Region	Vyshnevolotsk Town Court of the Tver Region 25/06/2015	Art. 3 - inadequate conditions of detention during transport - transport by van between 22/01/2015 and 17/07/2015; overcrowding, transport in a single-prisoner cubicle, lack of fresh air, lack of or insufficient natural light, lack of or insufficient electric light, no or restricted access to toilet; Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention during transport	8,500

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