

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

THIRD SECTION

CASE OF PELIN v. RUSSIA

(Application no. 11108/23)

JUDGMENT

STRASBOURG

18 July 2024

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



In the case of Pelin v. Russia,

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

Ioannis Ktistakis*, President*,
Oddný Mjöll Arnardóttir,
Diana Kovatcheva*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 27 June 2024,

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 25 February 2023.

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 inadequate conditions of detention in a remand prison.

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 3 OF THE CONVENTION

6. The applicant complained of the inadequate conditions of his detention. He relied on Article 3 of the Convention.

7. The Court notes that the applicant was kept in detention in poor conditions. The details of the applicant's detention are indicated in the appended table. The Court refers to the principles established in its case-law regarding inadequate conditions of detention (see, for instance, *Muršić*

v. Croatia [GC], no. 7334/13, §§ 96-101, ECHR 2016). It reiterates in particular that a serious lack of space in a prison cell weighs heavily as a factor to be taken into account for the purpose of establishing whether the detention conditions described are "degrading" from the point of view of Article 3 and may disclose a violation, both alone or taken together with other shortcomings (see *Muršić*, cited above, §§ 122-41, and *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, §§ 149-59, 10 January 2012).

8. In the leading case of *Ananyev and Others v. Russia,* nos. 42525/07 and 60800/08, 10 January 2012, the Court already found a violation in respect of issues similar to those in the present case.

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 these complaints. Having regard to its case-law on the subject, the Court considers that in the instant case the applicant's conditions of detention were inadequate.

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

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

11. Regard being had to the documents in its possession and to its case-law (see, in particular, *Ananyev and Others,* cited above, § 172), 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 the facts that took place before 16 September 2022;

2. *Declares* the application admissible;

3. *Holds* that this application discloses a breach of Article 3 of the Convention concerning the inadequate conditions of detention;

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 18 July 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina Acting Deputy Registrar	Ioannis Ktistakis President

APPENDIX

Application raising complaints under Article 3 of the Convention (inadequate conditions of detention)

Application no. Date of introduction	Applicant's name Year of birth	Facility Start and end date Duration	Sq. m per inmate	Specific grievances	Domestic award	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[1]
11108/23 25/02/2023	**Radu Grigoryevich PELIN** 1983	SIZO-4 Moscow 18/10/2018 to 05/10/2019 11 month(s) and 18 day(s)	2 m²	overcrowding	850 euros The applicant lodged a tort action claiming damages for poor conditions of detention. The final decision accepting his claim in part and making the award of damages in the amount of approximately 850 euros was issued on 06/02/2023 by the Supreme Court of the Russian Federation	4,150

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