

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

THIRD SECTION

CASE OF RASCHUPKIN v. RUSSIA

(Application no. 63954/14)

JUDGMENT

STRASBOURG

15 December 2022

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



In the case of Raschupkin 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 24 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 10 November 2014.

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.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

5. The applicant complained 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:

> "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 these complaints. 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. These complaints are therefore admissible and disclose a breach of Article 3 of the Convention.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

9. 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."

10. 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.

11. 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 application admissible;

2. *Holds* that this application discloses 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*
   (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 15 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	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[1]
63954/14 10/11/2014	**Vladislav Yevgenyevich RASCHUPKIN** 1988	Rybinskiy District Court of Krasnoyarsk, Kanskiy District Court of Krasnoyarsk, Krasnoyarsk Regional Court 16/05/2014	7,500

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