

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

THIRD SECTION

CASE OF RAZHAYEV v. RUSSIA

(Application no. 30757/16)

JUDGMENT

STRASBOURG

26 February 2026

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

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

In the case of Razhayev v. Russia,

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

Úna Ní Raifeartaigh*, President*,
Mateja Đurović,
Vasilka Sancin*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 5 February 2026,

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 29 March 2016.

2. The applicant was represented by Astreya and Stichting Justice Initiative, non-governmental organisations based in Moscow and Utrecht respectively.

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. 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 of the inadequate conditions of his detention. 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 *Sergey Babushkin v. Russia,* no. 5993/08, 28 November 2013). The Court further reiterates that the lack of access to proper sanitary facilities, particularly for a long period of time and, without any hope of improvement, is in itself sufficient for the finding of a violation of Article 3 (see *Gorbulya v. Russia*, no. 31535/09, § 94, 6 March 2014). Such conditions diminish human dignity and arouse in detainees feelings of anguish and inferiority capable of humiliating and debasing them (see *Kasperovičius v. Lithuania*, no. 54872/08, §§ 38-39, 20 November 2012).

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 the similar complaint in the present case. Having regard to its case-law on the subject, the Court considers that in the instant case the applicant has been subjected to inhuman and degrading treatment on account of the conditions of his detention in correctional colony IK-56 in Sverdlovsk Region.

10. These complaints are therefore admissible and disclose a breach of Article 3 of the Convention.

III. REMAINING COMPLAINTS

11. The applicant submitted a complaint under Article 13 of the Convention related to the alleged lack of remedies to complain about poor detention conditions. In the light of its findings above, the Court does not consider necessary to examine separately this complaint.

12. The applicant also raised other complaints under various Articles of the Convention.

13. 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 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 or do 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.

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

14. Regard being had to the documents in its possession and taking into account the previous awards made by the Court to the applicant (compare

Ivanov and Others v. Russia [Committee], nos. 44363/14 and 2 others, § 12, 4 June 2020, and *Puzanov v. Russia* [Committee], nos. 26895/14 and 2 other applications, § 13, 15 September 2022), the Court considers that the finding of a violation will constitute in itself sufficient just satisfaction for any damage sustained by the applicant.

15. The Court further observes that the applicant claimed 3,034,80 euros in respect of costs and expenses incurred before the Court.

16. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these have been actually and necessarily incurred and are reasonable as to quantum. In the present case, regard being had to the documents in its possession and the above criteria, the Court considers it reasonable to award 940 euros. The amount awarded is to be paid to the account of Stichting Justice Initiative, as requested. The Court therefore 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 complaints concerning the inadequate conditions of detention admissible, *finds* that there is no need to examine separately the complaint under Article 13 of the Convention, and *declares* the remainder of the application inadmissible;

3. *Holds* that there has been a breach of Article 3 of the Convention concerning the inadequate conditions of detention;

4. *Holds* that the finding of a violation will constitute in itself sufficient just satisfaction for any damage sustained by the applicant;

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, plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
   (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.

6. *Dismisses* the remainder of the applicant's claims for just satisfaction.

Done in English, and notified in writing on 26 February 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina Acting Deputy Registrar	Úna Ní Raifeartaigh President

APPENDIX

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

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility Start and end date Duration	Specific grievances	Sq. m per inmate	Amount awarded for costs and expenses (in euros)[1]
30757/16 29/03/2016	**Mansur Visaitovich RAZHAYEV** 1977	Astreya, Moscow, and Stichting Justice Initiative, Utrecht	IK-56, Sverdlovsk Region from 27/08/2012 to 25/01/2016	lack of or inadequate hygienic facilities, lack of privacy for toilet, no or restricted access to running water, lack of or insufficient physical exercise in fresh air, lack of fresh air, lack of or insufficient natural light	6 sq. m²	940, to be paid directly to the account of Stichting Justice Initiative

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