

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

THIRD SECTION

CASE OF SALNIKOV v. RUSSIA

(Application no. 39782/15)

JUDGMENT

STRASBOURG

15 December 2022

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



In the case of Salnikov 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 25 July 2015.

2. The applicant was represented by Mr E.A. Mezak, a lawyer authorised to practice in Russia.

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 his confinement in a metal cage in the courtroom during the criminal proceedings against him. He also raised other complaints under the provisions of the Convention.

THE LAW

I. THE GOVERNMENT'S REQUEST TO STRIKE OUT APPLICATION UNDER ARTICLE 37 § 1 OF THE CONVENTION

6. The Government submitted a unilateral declaration which did not offer a sufficient basis for finding that respect for human rights as defined in the Convention does not require the Court to continue its examination of the case (Article 37 § 1 in fine). The Court rejects the Government's request to strike the application out and will accordingly pursue its examination of the case (see *Tahsin Acar v. Turkey* (preliminary objections) [GC], no.26307/95, § 75, ECHR 2003 VI).

II. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

7. The applicant complained principally 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."

8. The Court notes that the applicant was kept in 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.

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 the metal cage before the court during the criminal proceedings against him amounted to degrading treatment.

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

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

11. 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. APPLICATION OF ARTICLE 41 OF THE CONVENTION

12. 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."

13. 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.

14. 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. *Rejects* the Government's request to strike the application out of its list of cases under Article 37 § 1 of the Convention on the basis of the unilateral declaration which they submitted;

2. *Declares* the application admissible;

3. *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;

4. *Holds* that there has been a violation of the Convention as regards the other complaints raised under 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;
   (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	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 (in euros)[1]
39782/15 25/07/2015	**Vyacheslav Aleksandrovich SALNIKOV** 1984	Mezak Ernest Aleksandrovich Saint-Barthélemy d'Anjou	Leninskiy District Court of Vladivostok 26/01/2015	Art. 3 – 6 - inadequate conditions of detention during transport - transport in a van, single-prisoner cubicles measuring 0,3-0,5 sq. m. per person, multiple occasions Art. 13 - lack of any effective remedy in domestic law to complain about poor conditions of transport	8,500

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