

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

THIRD SECTION

CASE OF STOLBOVSKIKH v. RUSSIA

(Applications nos. 77444/17 and 17048/20 – see appended list)

JUDGMENT

STRASBOURG

13 October 2022

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



In the case of Stolbovskikh v. Russia,

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

Darian Pavli, *President,*
Andreas Zünd,
Frédéric Krenc, *judges,*

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 15 September 2022,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in applications against Russia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on the various dates indicated in the appended table.

2. The Russian Government ("the Government") were given notice of the applications.

THE FACTS

3. The list of applicants and the relevant details of the applications are set out in the appended table.

4. Mr Vladimir Stolbovskikh (hereinafter – the first applicant) complained of the inadequate conditions of detention during his transport. The applicants also raised other complaints under the provisions of the Convention.

THE LAW

I. JOINDER OF THE APPLICATIONS

5. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

II. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

6. The first applicant, Mr Vladimir Stolbovskikh, complained of the inadequate conditions of detention during his transport. He relied on Article 3 of the Convention, which reads as follows:

Article 3

"No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

7. The Court notes that the first applicant was detained in poor conditions during transport. The details of his detention during transport are indicated in the appended table. The Court refers to the principles established in its case-law regarding cramped and defective conditions in the detention and transit of prisoners (see, for instance, *Khudoyorov v. Russia*, no. 6847/02, §§ 118-20, ECHR 2005-X (extracts), and *Starokadomskiy v. Russia*, no. 42239/02, §§ 53-60, 31 July 2008). It reiterates in particular that extreme lack of space or overcrowding weighs heavily as an aspect to be taken into account for the purpose of establishing whether the impugned detention conditions were "degrading" from the point of view of Article 3 and may disclose a violation, both alone or taken together with other shortcomings (see *Muršić v. Croatia* [GC], no. 7334/13, §§ 122-41, ECHR 2016, and *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, §§ 149-59, 10 January 2012).

8. In the leading case of *Idalov v. Russia* [GC], no. 5826/03, §§ 103-08, 22 May 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 conditions of detention during the transport of the first applicant were inadequate.

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

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

11. The first applicant also submitted a complaint under Article 13 of the Convention raising issues under the relevant well-established case-law of the Court (see the appended table). This complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor is it inadmissible on any other ground. Accordingly, it must be declared admissible. Having examined all the material before it, the Court concludes that it also discloses a violation of the Convention in the light of its findings in *Tomov and Others v. Russia* (nos. 18255/10 and 5 others, §§ 92-156, 9 April 2019, concerning lack of an effective remedy in respect of the complaint about poor conditions of detention during transport).

IV. REMAINING COMPLAINTS

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

13. The Court has examined the applications listed in the appended table 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 applications must be rejected in accordance with Article 35 § 4 of the Convention.

V. APPLICATION OF ARTICLE 41 OF THE CONVENTION

14. 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."

15. Regard being had to the documents in its possession and to its case-law (see, in particular, *Pukhachev and Zaretskiy v. Russia,* nos. 17494/16 and 29203/16, 16 November 2017), the Court considers it reasonable to award the first applicant, Mr Vladimir Stolbovskikh, the sum indicated in the appended table.

16. 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. *Decides* to join the applications;

2. *Declares* the complaints by the first applicant, Mr Vladimir Stolbovskikh, concerning the inadequate conditions of detention during his transport and lack of an effective domestic remedy in that regard, raised under Articles 3 and 13 of the Convention, as set out in the appended table, admissible, and the remainder of the applications inadmissible;

3. *Holds* that these complaints disclose a breach of Article 3 of the Convention concerning the inadequate conditions of detention during transport;

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 the appended table);

5. *Holds*

(a) that the respondent State is to pay Mr Vladimir Viktorovich Stolbovskikh, 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 during the default period plus three percentage points.

Done in English, and notified in writing on 13 October 2022, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina	Darian Pavli
Acting Deputy Registrar	President

APPENDIX

List of applications raising complaints under Article 3 of the Convention (inadequate conditions of detention during transport)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Means of transport Start and end date	Sq. m per inmate	Specific grievances	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses (in euros)[1]
77444/17 20/10/2017 AND 17048/20 14/03/2020	**Vladimir Viktorovich STOLBOVSKIKH** 1987 Household **Polina Yuryevna STOLBOVSKIKH** 1987 **Natalya Vladimirovna STOLBOVSKIKH** 1951 **Sergey Viktorovich STOLBOVSKIKH** 1975 **Yekaterina Vladimirovna STOLBOVSKIKH** 2014	Egle Denis Sergeyevich Krasnoyarsk Miller Irina Vladimirovna Kansk	train 29/04/2017 to 01/05/2017	0.3 m²	severe overcrowding, insufficient number of sleeping places, no or restricted access to toilet	Art. 13 - lack of any effective remedy in domestic law to complain about poor conditions of detention during transport	1,000, to be paid to Mr Vladimir Viktorovich Stolbovskikh

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