

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

THIRD SECTION

CASE OF TEKHNYUK v. RUSSIA

(Applications nos. 17112/16 and 2 others –
see appended list)

JUDGMENT

STRASBOURG

13 October 2022

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

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

In the case of Tekhnyuk 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 applicant's details and information relevant to the applications are set out in the appended table.

4. The applicant complained of the permanent video surveillance of detainees in post-conviction detention facilities. He 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 8 OF THE CONVENTION

6. The applicant complained of the permanent video surveillance of detainees in post-conviction detention facilities. He relied on Article 8 of the Convention, which reads, in so far as relevant, as follows:

> "1. Everyone has the right to respect for his private ... life ...
>
> 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the

country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

7. The Court has already established, in an earlier case against Russia, that the national legal framework governing the placement of detainees under permanent video surveillance in penal institutions falls short of the standards set out in Article 8 of the Convention (see *Gorlov and Others v. Russia*, nos. 27057/06 and 2 others, 2 July 2019). In *Gorlov and Others*, the Court summed up the general principles concerning the detainees' right to respect for private life reiterating that placing a person under permanent video surveillance whilst in detention was to be regarded as a serious interference with the individual's right to respect for his or her privacy (ibid., §§ 81-82). It has further concluded that the national law cannot be regarded as being sufficiently clear, precise or detailed to have afforded appropriate protection against arbitrary interference by the authorities with the detainees' right to respect of their private life (ibid., §§ 97-98).

8. 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. It considers, regard being had to the case-law cited above, that in the instant case the placement of the applicant under permanent video surveillance when detained in post-conviction detention facilities was not "in accordance with law".

9. This complaint is therefore admissible and discloses a breach of Article 8 of the Convention.

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

10. The applicant submitted other complaints which also raised issues under the Convention, given the relevant well-established case-law of the Court (see the 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 well-established case-law (see *Sergey Babushkin v. Russia*, no. 5993/08, 28 November 2013).

IV. REMAINING COMPLAINTS

11. In application no. 17112/16 the applicant also raised other complaints under various Articles of the Convention.

12. 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.

V. APPLICATION OF ARTICLE 41 OF THE CONVENTION

13. 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."

14. Regard being had to the documents in its possession and to its case-law (see, in particular, *Gorlov and Others,* cited above, and *Mozharov and Others v. Russia,* no. 16401/12 and 9 others, 21 March 2017), the Court considers it reasonable to award the sum indicated in the appended table.

15. 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 concerning the permanent video surveillance of detainees in post-conviction detention facilities and other complaints under the well-established case-law, as set out in the appended table below, admissible, and the remainder of the complaints set out in application no. 17112/16 inadmissible;

3. *Holds* that these complaints disclose a breach of Article 8 of the Convention concerning the permanent video surveillance of detainees in post-conviction detention facilities;

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 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 amounts 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 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 8 § 1 of the Convention
(permanent video surveillance of detainees in pre-trial or post-conviction detention facilities)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Detention facility	Period of detention	Specific circumstances	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) [1]
17112/16 03/03/2016 57630/17 04/07/2017 37339/19 08/05/2019	**Vladislav Vasilyevich TEKHNYUK** 1982	Yekaterina Viktorovna Yefremova Moscow	IK-6 Khabarovsk Region	from 25/06/2018 onwards	Detention in different cells with video surveillance, opposite-sex operators, video surveillance in a lavatory and/or shower room.	The applicant complains about conditions of detention in correctional colony no. IK-56, Sverdlovsk Region, from 04/11/2011 to 11/09/2017. He brought a claim for damages in that respect. The domestic courts established that the applicant had been allocated 1 sq. m of personal space and awarded him RUB 2,000 as non-pecuniary damage (approximately EUR 25). The final decision on the matter was taken by the Supreme Court of the Russian Federation on 28/08/2019.	5,750

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