

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

THIRD SECTION

# CASE OF VOLOKHOV v. RUSSIA

*(Application no. 50701/16)*

JUDGMENT

STRASBOURG

27 October 2022

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



**In the case of Volokhov 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 6 October 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 27 July 2016.

2. The applicant was represented by Ms O. Preobrazhenskaya, a lawyer practising in Strasbourg.

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 his detention under strict imprisonment regime.

# THE LAW

## I. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

6. The applicant complained that he was detained in inadequate conditions under strict imprisonment regime. He relied, expressly or in substance, 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 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

*Harakchiev and Tolumov v. Bulgaria*, nos. 15018/11 and 61199/12, § 199, ECHR 2014 (extracts)).

8. In the leading case of *N.T. v. Russia*, no. 14727/11, 2 June 2020, 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 this complaint. Having regard to its case-law on the subject, the Court considers that in the instant case the applicant's rights were violated.

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

## II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

11. 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."

12. Regard being had to the documents in its possession and to its case-law (see, in particular, *N.T.*, cited above, § 61), the Court considers it reasonable to award the sum indicated in the appended table and rejects the remainder of the applicant's claims for just satisfaction.

13. 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 concerning the inadequate conditions of detention under strict imprisonment regime;

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.

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

Done in English, and notified in writing on 27 October 2022, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

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|---|---|
| Viktoriya Maradudina | Darian Pavli |
| Acting Deputy Registrar | President |

# APPENDIX

## Application raising complaints under Article 3 of the Convention (inadequate conditions of detention under strict imprisonment regime)

| Application no.<br>Date of introduction | Applicant's name<br>Year of birth | Representative's name and location | Facility | Start and end date of detention under strict regime | Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[1] |
|---|---|---|---|---|---|
| 50701/16<br>27/07/2016 | **Arkadiy Vladimirovich VOLOKHOV**<br>1987 | Oksana Vladimirovna Preobrazhenskaya<br>Strasbourg | IK-5 Vologda Region | 18/12/2014-to end on 18/12/2024, according to the provisions of the Russian law | 3,000 |

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