

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

THIRD SECTION

DECISION

Application no. 75804/17
Yevgeniy Viktorovich DROZDOV against Russia
and 3 other applications
(see appended table)

The European Court of Human Rights (Third Section), sitting on 10 October 2024 as a Committee composed of:

Ioannis Ktistakis*, President*,
Oddný Mjöll Arnardóttir,
Diana Kovatcheva*, judges*,
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicants,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants' complaints under Article 3 of the Convention concerning the inadequate conditions of detention were communicated to the Russian Government ("the Government"). In some of the applications, complaints under Article 13 of the Convention based on the same facts were also communicated.

THE LAW

A. Joinder of the applications

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

B. Complaints under Articles 3 and 13 of the Convention (inadequate conditions of detention and the lack of an effective remedy in that respect)

In the present applications, the applicants complained under Article 3 of the Convention about conditions of their pre-trial detention in violation of the national requirements during periods which had already come to an end (for further details see the appended table). Some of the applicants also argued that they did not have an effective domestic remedy to complain about those conditions at the national level.

The Government submitted their observations, disputing the violations alleged. They also submitted additional information about the new Compensation Act and asked to treat it as a new remedy in respect of conditions of detention complaints under Articles 3 of the Convention (compare *Shmelev and Others v. Russia* (dec.), no. 41743/17 and 16 others, 17 March 2020).

While examining similar complaints lodged against the Russian Federation, the Court has consistently held that applicants are required to make use of the newly introduced compensatory remedy in respect of improper conditions of pre-trial detention in breach of the domestic standards (see, among other authorities, *Shmelev and Others v. Russia* (dec.), no. 41743/17, §§ 153-57, 17 March 2020). In the present case, the applicants complained about the conditions of their pre-trial detention which were, as indicated by them, below the national standard of four square metres per person. Therefore, there are no circumstances which could justify the applicants' failure to have recourse to the new compensatory remedy.

It follows that the complaints under Article 3 of the Convention must be rejected for non-exhaustion of domestic remedies pursuant to Article 35 §§ 1 and 4 of the Convention.

In so far as the applicants referred to Article 13 of the Convention, the Court, having regard to its conclusion concerning Article 3, finds that no separate issue arises under this provision. It finds that this complaint is manifestly ill-founded within the meaning of Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 7 November 2024.

Viktoriya Maradudina Acting Deputy Registrar	Ioannis Ktistakis President

APPENDIX

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

No.	Application no. Date of introduction	Applicant's name Year of birth	Facility Start and end date Duration	Sq. m per inmate	Specific grievances	Other inadmissible complaints
1.	75804/17 14/10/2017	**Yevgeniy Viktorovich DROZDOV** 1989	IZ-1 Primorye Region 18/01/2015 to 14/10/2017 2 year(s) and 8 month(s) and 27 day(s)	1.2 m²	overcrowding, insufficient number of sleeping places, inadequate temperature, lack of privacy for toilet, no or restricted access to running water, lack of or insufficient natural light, lack of or insufficient electric light, infestation of cell with insects/rodents, no or restricted access to shower, poor quality of food, lack or insufficient quantity of food, lack of fresh air	
2.	77181/17 07/11/2017	**Aleksandr Gennadyevich ILYIN** 1995	IZ-47/1 St Petersburg 22/03/2017 to 09/02/2018 10 month(s) and 19 day(s)	2 m²	overcrowding, lack of requisite medical assistance, lack or inadequate furniture, mouldy or dirty cell, lack of fresh air, lack of or insufficient electric light, lack of or poor quality of bedding and bed linen, inadequate temperature, no or restricted access to warm water, no or restricted access to running water, no or restricted access to potable water, lack of privacy for toilet	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention
3.	77265/17 13/12/2017	**Aleksandr Aleksandrovich VASILYEV** 1980	IZ-47/1 St Petersburg 11/05/2017 to 01/08/2018 1 year(s) and 2 month(s) and 22 day(s)	2 - 3.5 m²	inadequate temperature, infestation of cell with insects/rodents, lack of fresh air, lack of or inadequate hygienic facilities, lack of or insufficient natural light, lack of or poor quality of bedding and bed linen, lack of privacy for toilet, lack of requisite medical assistance, mouldy or dirty cell, overcrowding, passive smoking	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention
4.	22729/18 30/04/2018	**Aleksandr Yevgenyevich SMEKHOV** 1980	IZ-47/4 St Petersburg 26/07/2017 to 20/04/2018 8 month(s) and 26 day(s)	2 m²	no or restricted access to warm water, bunk beds, infestation of cell with insects/rodents, no or insufficient disinfection of barbering and haircutting tools, lack of or poor quality of bedding and bed linen, lack of or insufficient electric light, overcrowding, poor quality of food, poor conditions during the walk, no or restricted access to shower	