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

THIRD SECTION

DECISION

Application no. 15083/20
Vladimir Anatolyevich KULMINSKIY
against Russia
(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 application lodged on 10 March 2020,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant's complaints under Article 3 of the Convention about the inadequate conditions of detention and under Article 6 § 1 of the Convention concerning his absence from civil proceedings were communicated to the Russian Government ("the Government").

THE LAW

Having examined the parties' submissions as to the complaint under Article 3 of the Convention concerning the conditions of the applicant's post-conviction detention from 10 July 2016 to 12 April 2021, the Court is of the view that there is no longer any justification for examining the merits of those complaints for the reasons set out below.

In this regard the Court notes that, as matters stand, the material facts complained of by the applicant have ceased to exist. He is no longer detained in the conditions complained of. It further notes that it was open to the

applicant to make resort to a new compensatory remedy, introduced by the Russian Federation on 27 January 2020, in respect of his complaints concerning the conditions of detention in breach of the national legislation (see *Shmelev and Others v. Russia* ((dec.), nos. 41743/17 and 16 others, 17 March 2020).

Regard being had to its findings in *Shmelev and Others* (cited above) that the said remedy presents, in principle, an adequate and effective avenue for redress and offers reasonable prospects of success (ibid., § 54), the Court considers it is no longer justified to continue the examination of this part of the application (Article 37 § 1 (c) of the Convention) and that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of that complaint under Article 37 § 1 in fine.

Accordingly, this part of the application should be struck out of the list.

As regards the complaint under Article 6 § 1 of the Convention concerning the applicant's absence from the appeal hearing before the Bryansk Regional Court on 4 September 2018, the Court notes that the court at first level of jurisdiction heard the applicant, questioned him on the merits of his complaint and accepted additional motions and evidence from him. Accordingly, the applicant was given an ample opportunity to state his case.

The appeal court did not examine any new facts or evidence. The applicant filed an appeal where he stated all his arguments, and the appeal court duly examined them. The Court notes that the appeal court weighed the necessity of the parties' personal presence and, reasonably, decided that it was not necessary in view of the nature of the applicant's claims.

In view of the above, the Court finds that these complaints are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to strike the complaint under Article 3 of the Convention out of its list of cases;

Declares the complaint under 6 § 1 of the Convention inadmissible.

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

Viktoriya Maradudina	Ioannis Ktistakis
Acting Deputy Registrar	President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention (applicant's absence from civil proceedings)

Application no. Date of introduction	Applicant's name Year of birth	Nature of the dispute Final decision	First-instance hearing date Court	Appeal hearing date Court
15083/20 10/03/2020	**Vladimir Anatolyevich KULMINSKIY** 1973	Administrative proceedings concerning the applicant's placement in a punishment cell	06/06/2018 Bezhitskiy District Court of Bryansk	04/09/2018 Bryansk Regional Court; Final decision by the Supreme Court of the Russian Federation rejecting leave to appeal on 11/11/2019