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

THIRD SECTION

DECISION

Application no. 46293/17
Viktor Alekseyevich LASDORF
against Russia

The European Court of Human Rights (Third Section), sitting on 19 June 2025 as a Committee composed of:

Diana Kovatcheva*, President*,
Canòlic Mingorance Cairat,
Vasilka Sancin*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 9 June 2017,

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 was represented by Mr K. Zakarigayev, a lawyer practising in Stavropol.

The applicant's complaints under Article 3 of the Convention concerning the inadequate conditions of detention after conviction were communicated to the Russian Government ("the Government"). Complaints based on the same facts were also communicated under other provisions of the Convention.

THE LAW

A. Complaint under Article 3 of the Convention (inadequate conditions of detention after conviction)

The applicant complained under Article 3 of the Convention about conditions of his post-conviction detention in violation of the national

requirements during periods which had already come to an end (for further details see the appended table).

The Government 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.

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 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 applicant complained about the conditions of his post-conviction detention which were, as indicated by him, below the national standard of two square metres per person. Therefore, there are no circumstances which could justify the applicant's failure to have recourse to the new compensatory remedy.

It follows that the complaint 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.

B. Remaining complaints

The applicant also raised a complaint under Article 5 of the Convention.

The Court has examined this complaint 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, this complaint either does not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or does 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.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 10 July 2025.

Viktoriya Maradudina Acting Deputy Registrar	Diana Kovatcheva President

APPENDIX

Application raising complaints under Article 3 of the Convention (inadequate conditions of detention after conviction)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility Start and end date Duration	Inmates per brigade Sq. m per inmate	Specific grievances	Other complaints
46293/17 09/06/2017	**Viktor Alekseyevich LASDORF** 1976	Zakarigayev Kamil Magomedsaidovich Stavropol	IK-5 Mordovia 18/11/2014 to 28/02/2017 2 year(s) and 3 month(s) and 11 day(s)	130-150 inmate(s) <2 m²	no or restricted access to toilet, overcrowding, no or restricted access to warm water	Art. 5 (1) - unlawful detention – the applicant was allegedly detained in the absence of a court order from 08/04/2017 to 08/01/2018