

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

THIRD SECTION

DECISION

Application no. 11305/18
Sergey Vyacheslavovich LOYEV and Others against Russia
and 2 other applications
(see appended table)

The European Court of Human Rights (Third Section), sitting on 18 December 2025 as a Committee composed of:

Úna Ní Raifeartaigh*, President*,
Mateja Đurović,
Vasilka Sancin*, 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

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

2. The applicants' complaints under Article 3 of the Convention concerning the inadequate conditions of detention after conviction were communicated to the Russian Government ("the Government"). In applications nos. 11305/18 and 11785/18, complaints based on the same facts were also communicated under other provisions of the Convention.

THE LAW

A. Joinder of the applications

3. 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 about inadequate conditions of detention after conviction

4. The applicants complained of the poor conditions of their post-conviction detention (for further details see the appended table). They relied on Article 3 of the Convention.

1. Exhaustion of domestic remedies as regards complaints about conditions of detention in applications nos. 11305/18 and 11785/18

5. The applicants in applications nos. 11305/18 and 11785/18 complained about poor conditions of their detention in violation of national standards.

6. The Government submitted that the applicants had failed to exhaust the remedies provided to them at national level.

7. In its decision of *Shmelev and Others v. Russia* ((dec.), no. 41743/17 and 16 others, 17 March 2020), the Court has examined similar applications lodged by Russian applicants and declared them inadmissible for non-exhaustion of domestic remedies.

8. The Court found that the applicants who complained about their detention in post-conviction facilities in violation of the national statutory norms, and where their detention in such conditions was already over, found themselves in a situation similar to that of persons whose pre-trial detention had been in breach of the applicable national standards. The Court stressed that for them, as well as for other persons in similar situation, the Compensatory Act presents, in principle, an adequate and effective avenue of obtaining compensatory redress, and offers reasonable prospects of success (see *Shmelev and Others*, cited above, § 154). It thus also rejected for non-exhaustion of domestic remedies applications where applicants complained about post-conviction detention in violation of the national statutory standards and decided that actual or potential applicants finding themselves in a similar situation – i.e. where the complaint concerns past correctional detention in conditions in breach of the applicable domestic standards – are also expected to first make use of the compensatory remedy introduced in January 2020 (see *Shmelev and Others*, cited above, §§ 155-56).

9. Turning to the circumstances of the present cases and 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 of these complaints in the above applications. It thus considers that in so far as the applicants have lodged *prima facie* well-founded complaints about breach of their rights by improper conditions of their detention, as described in the appended table, the Compensation Act affords them an opportunity to obtain compensatory redress. Accordingly, the applicants should exhaust this remedy before their complaints can be examined by the Court. It follows that their complaints, as listed in the appended table, under Articles 3 and 13

should be declared inadmissible pursuant to Article 35 §§ 1 and 4 of the Convention.

2. Complaints about material conditions of detention in application no. 3967/20

10. In application no. 3967/20, during his detention, the applicant was provided with 4.3 - 5.1 sq. m. of individual space, the cells were equipped with central heating and basic sanitation system (sewerage, cold and hot water supplies), lighting in accordance with State standards, walks about two hours. The Court reiterates that it adopts conclusions after evaluating all the evidence, including such inferences as may flow from the facts and the parties' submissions. According to its established case-law, proof may follow from the coexistence of sufficiently strong, clear and concordant inferences or of similar unrebutted presumptions of fact (see, for example, *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, § 121, 10 January 2012).

11. Having examined the materials submitted by the parties and taking into account the cumulative effect of the conditions of the applicant's detention, the Court does not consider that those conditions reached the threshold of severity required to characterise the treatment as inhuman or degrading within the meaning of Article 3 of the Convention.

12. In view of the above, the Court finds that this complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

C. Complaints about handcuffing

13. The applicants in applications nos. 11305/18 and 11785/18 complained about their routine handcuffing in prison under Articles 3 of the Convention. However, the Government provided the documents from the prison authorities confirming that handcuffs had not been applied to them during the relevant periods of detention (see the appended table). By contrast, the applicants did not produce any evidence in support of their allegations (in particular, any documents confirming that they raised the issue of unjustified handcuffing before the domestic authorities). They did not refer to any exceptional circumstances which had prevented them from doing so. Therefore, this complaint is unsubstantiated and must be also rejected as manifestly ill-founded in accordance with Article 35 §§ 3 and 4 of the Convention.

D. Lack of an effective domestic remedy in respect of the applicants' complaints about conditions of detention and handcuffing

14. Finally, in so far as the applicants in applications nos. 11305/18 and 11785/18 refer to Article 13 of the Convention, the Court, having regard to

its conclusion under Article 3, in absence of any arguable claims, considers that these complaints are inadmissible *ratione materiae* with the provisions of the Convention within the meaning of Article 35 § 3 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 22 January 2026.

Viktoriya Maradudina Acting Deputy Registrar	Úna Ní Raifeartaigh President

APPENDIX

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

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility Start and end date Duration	Sq. m per inmate	Specific grievances
1.	11305/18 13/02/2018 (9 applicants)	**Sergey Vyacheslavovich LOYEV** 1972 **Yuriy Gennadyevich BARKOVSKIY** 1969 **Sergey Mikhaylovich DAVYDOV** 1965 **Dmitriy Vladimirovich GOLUBEV** 1972 **Alesandr Viktorovich GUTSUL** 1973 **Stepan Aleksandrovich KOMAROV** 1989 **Ivan Vladimirovich KOROBITSYN** 1985	Romanenko Lyudmila Viktorovna Tulun	IK-56 Sverdlovsk Region (Mr Loyev) 17/01/2013 to 16/04/2018 5 year(s) and 3 month(s) IK-56 Sverdlovsk Region (Mr Barkovskiy) 21/12/2007 to 09/12/2017 9 year(s) and 11 month(s) and 19 day(s) IK-56 Sverdlovsk Region (Mr Davydov) 04/06/2010 to 03/11/2017 7 year(s) and 5 month(s) IK-56 Sverdlovsk Region (Mr Golubev) 11/02/2010 to 13/01/2018 7 year(s) and 11 month(s) and 3 day(s) IK-56 Sverdlovsk Region (Mr Gutsul) 26/12/2001 to 25/01/2018 16 year(s) and 1 month(s) IK-56 Sverdlovsk Region (Mr Komarov) 24/09/2015 to 09/12/2017 2 year(s) and 2 month(s) and 16 day(s) IK-56 Sverdlovsk Region (Mr Korobitsyn) 06/02/2013 to 03/03/2018 5 year(s) and 26 day(s)		lack of fresh air, lack of or inadequate hygienic facilities, lack of or insufficient electric light, lack of or insufficient natural light, lack of privacy for toilet, handcuffing

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility Start and end date Duration	Sq. m per inmate	Specific grievances
		Andrey Vladimirovich LITVINTSEV 1971 **Yevgeniy Vladimirovich SINGAYEVSKIY** 1975		IK-56 Sverdlovsk Region (Mr Litvintsev) 24/01/2016 to 13/01/2018 1 year(s) and 11 month(s) and 21 day(s) IK-56 Sverdlovsk Region (Mr Singayevskiy) 26/05/2017 to 09/12/2017 6 month(s) and 14 day(s)		
2.	11785/18 13/02/2018 (7 applicants)	**Yuriy Pavlovich DUDNIKOV** 1955 **Anatoliy Aleksandrovich BERESTNEV** 1961 **Anton Vasilyevich BOLSHESHAPOV** 1985 **Mikhail Borisovich KONSTANTINOV** 1984 **Sergey Borisovich KUTNYUK** 1969 **Vladimir Viktorovich MENKOV** 1982 **Arslan Faritovich SAYFUTDINOV** 1986	Romanenko Lyudmila Viktorovna Tulun	IK-56 Sverdlovsk Region (Mr Dudnikov) 26/12/2010 to 11/11/2017 6 year(s) and 10 month(s) and 17 day(s) IK-56 Sverdlovsk Region (Mr Berestnev) 13/07/2010 to 21/09/2017 7 year(s) and 2 month(s) and 9 day(s) IK-56 Sverdlovsk Region (Mr Bolsheshapov) 04/12/2010 to 03/09/2017 6 year(s) and 9 month(s) IK-56 Sverdlovsk Region (Mr Konstantinov) 25/09/2010 to 17/12/2017 7 year(s) and 2 month(s) and 23 day(s) IK-56 Sverdlovsk Region (Mr Kutnyuk) 25/09/2010 to 19/02/2018 7 year(s) and 4 month(s) and 26 day(s) IK-56 Sverdlovsk Region (Mr Menkov) 04/11/2010 to 19/10/2017 6 year(s) and 11 month(s) and 16 day(s) IK-56 Sverdlovsk Region (Mr Sayfutdinov) 26/09/2009 to 19/10/2017 8 year(s) and 24 day(s)		lack of fresh air, lack of or inadequate hygienic facilities, lack of or insufficient electric light, lack of or insufficient natural light, lack of or insufficient physical exercise in fresh air, handcuffing

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility Start and end date Duration	Sq. m per inmate	Specific grievances
3.	3967/20 17/12/2019	**Maksim Igorevich OSTOLOPOV** 1983	Drobyshev Oleg Petrovich St Petersburg	IK-6 09/02/2012 pending and probably ongoing as of 16/09/2022 10 year(s) and 7 month(s) and 8 day(s)	4.3-5.1 m²	lack of fresh air, lack of or insufficient natural light