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

FIFTH SECTION

DECISION

Application no. 20852/13
Vladimir Viktorovich NECHIPORENKO
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 1 June 2023 as a Committee composed of:

Carlo Ranzoni, *President*,
Lado Chanturia,
María Elósegui*, judges*,
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 1 March 2013,

Having regard to the observations submitted by the respondent Government,

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 O.M. Varva, living in Kharkiv.

The applicant's complaints under Articles 3 and 13 of the Convention concerning the inadequate conditions of detention and the lack of any effective remedy in domestic law were communicated to the Ukrainian Government ("the Government").

THE LAW

Having examined all the material before it and the parties' arguments, the Court finds that it cannot be established that the applicant suffered from severe overcrowding of the kind that could entail on its own a violation of Article 3 of the Convention (see *Muršić v. Croatia* [GC], no. 7334/13, § 140, 20 October 2016). Nor, in the absence of the applicant's detailed submissions, can it be found that the other aspects of the detention reached the threshold of severity required to characterise the treatment as inhuman or degrading

within the meaning of Article 3 of the Convention (see *Bokor v. Portugal* (dec.) no. 5227/18, § 34, 10 December 2020).

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

The Court, having found the complaint under Article 3 of the Convention inadmissible, concludes that the applicant has no arguable claim for the purposes of Article 13 of the Convention (see *Rodić and Others v. Bosnia and Herzegovina*, no. 22893/05, § 82, 27 May 2008). The applicant's complaint under Article 13 of the Convention taken in conjunction with Article 3 of the Convention is thus likewise manifestly ill-founded within the meaning of Article 35 § 3 of the Convention and must be rejected under Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 22 June 2023.

Viktoriya Maradudina Acting Deputy Registrar	Carlo Ranzoni President

APPENDIX

Application raising complaints under Articles 3 and 13 of the Convention (inadequate conditions of detention and lack of any effective remedy in domestic law)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility Start and end date Duration	Specific grievances
20852/13 01/03/2013	**Vladimir Viktorovich NECHIPORENKO** 1976	Varva Oleksiy Mykolayovych Kharkiv	Sumy Pre-Trial Detention Facility no. 25 13/09/2009 to 13/09/2012 2 years and 11 months and 23 days	overcrowding