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

THIRD SECTION

DECISION

Application no. 26577/16
Anzhelika Ruslanovna OVCHINNIKOVA against Russia
and 8 other applications
(see list appended)

The European Court of Human Rights (Third Section), sitting on 31 October 2017 as a Committee composed of:

Branko Lubarda, *President,*
Pere Pastor Vilanova,
Georgios A. Serghides, *judges,*
and Stephen Phillips, *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:

THE FACTS AND PROCEDURE

1. A list of the applicants is set out in the appendix. They were represented before the Court by Mr A. Vinogradov, a lawyer practising in Kostroma.

2. The Russian Government ("the Government") were represented initially by Mr G. Matyushkin, the Representative of the Russian Federation to the European Court of Human Rights, and then by his successor at that post, Mr M. Galperin.

3. The applicants were detained in the “special detention centres” for administrative arrestees in Kostroma. The applicant in case no. 54116/16 was also detained at a police station in Kostroma. The periods of the applicants’ detention are specified in appended table.

4. According to the applicants, they disposed of less than 3 square metres (sq. m.) of personal space in the cells, did not have individual

sleeping places and did not get bedding; the light and fresh air were insufficient, the furniture was inadequate, the food was of low quality.

COMPLAINT

5. All the applicants complained under Article 3 of the Convention about the conditions of their detention in the "special detention centres" for administrative arrestees of Kostroma.

6. The applicant in case no. 54116/16 also complained under Article 3 of the Convention about the conditions of detention at a police station in Kostroma.

THE LAW

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

8. The applicants complained about the detention conditions. Article 3, to which they referred, reads as follows:

> "No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

9. The Government argued that detention for such short periods, even in inadequate conditions, could not, in itself, reach the threshold of severity required under Article 3 of the Convention (see *Dmitriy Rozhin v. Russia*, no. 4265/06, 23 October 2012). They also argued that the conditions of the applicants' detention were adequate. The applicants maintained their complaints.

A. Conditions of detention in the "special detention centres" for administrative arrestees

10. The Court refers to the principles established in its case-law regarding inadequate conditions of detention (see, for instance, *Muršić v. Croatia* [GC], no. 7334/13, §§ 136-40, ECHR 2016; *Ananyev and Others v. Russia,* nos. 42525/07 and 60800/08, 10 January 2012; and *Butko v. Russia,* no. 32036/10, 12 November 2015).

11. The Court rejects the Government's argument concerning the short duration of the detention. Unlike in the *Dmitriy Rozhin* case (cited above) where the applicant was detained for no more than 22 hours, the applicants in the present cases spent 3 to 11 days in detention. Such duration of detention may not, in itself, exclude a breach of Article 3 of the Convention

but may be taken into account when determining if the overall conditions of detention reached the threshold of severity required under Article 3 of the Convention.

12. The Court notes with satisfaction that after the notification of the present cases to the Government an inspection was carried out with regard to the facilities where the applicants had been detained. The group of inspectors consisted of public supervisors, prosecutors and a police officer.

13. According to the information submitted to the Court as a result of the above inspection, all the applicants disposed of more than 4 sq. m. of personal space, had individual sleeping places and bedding, sufficient light and air, and their privacy when using the hygienic facilities was respected. This information has been substantiated by the layout plans of the detention centres, technical certificates of the detention centres, extracts from the cell population registers, each applicant's and their co-inmates' individual cards indicating the cells in which they were detained and the periods of their detention, and other documents.

14. The information submitted by the applicants in the application forms, in particular the information on the place and the periods of their detention, was imprecise. After receiving the Government's observations the applicants failed to present any specific counterarguments and only claimed that the Government's statements were unsubstantiated.

15. On the basis of the materials in its possession the Court concludes that the applicants disposed of more than 4 sq. m of personal space. The Court has previously stated that in cases where a detainee disposed of more than 4 sq. m of personal space in multi-occupancy accommodation and where therefore no issue with regard to the question of personal space arises, other aspects of physical conditions of detention remain relevant for the Court's assessment of adequacy of an applicant's conditions of detention under Article 3 of the Convention (see *Muršić*, cited above, § 140).

16. In the present cases the Court notes that the parties have submitted little, unsubstantiated, information on other aspects of the physical conditions of detention, such as lighting, ventilation, privacy when using the toilet, and outdoor activities. On the basis of the information in its possession, taking into account the short periods of detention and sufficient personal space, the Court does not consider that those aspects of the physical conditions of detention were such as to amount to a form of degrading or inhuman treatment (see, for a similar reasoning, *Pavlenko v. Russia*, no. 42371/02, § 81, 1 April 2010).

B. Conditions of detention at the police station (application no. 54116/16)

17. According to the information submitted by the Government, the applicant was detained at a police station in Kostroma from 2.55 pm of 18 August 2016 to 9.50 a.m. of 19 August 2016, i.e. for 18 hours. This fact has not been disputed by the parties.

18. The parties have submitted little information on the material conditions of detention at the police station. However, the Court can still accept the Government's argument concerning the short duration of the detention. Even if the conditions of the applicant's detention at the police station were inadequate, the Court notes that, taking into account the short duration of the detention, they could not reach the threshold of severity required under Article 3 of the Convention (see *Dmitriy Rozhin,* cited above).

19. With a view to the above, the Court concludes that the applications are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) 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 23 November 2017.

Stephen Phillips
Registrar

Branko Lubarda
President

APPENDIX

No.	Application no.	Lodged on	Applicant Date of birth Place of residence	Detention facility Start and end date of detention
1.	26577/16	05/04/2016	**Anzhelika Ruslanovna OVCHINNIKOVA** 10/06/1976 Trifonych	Special detention centre for administrative arrestees Kostroma (p. Karavayevo) 08/01/2016 to 15/01/2016
2.	26579/16	05/04/2016	**Aleksandr Sergeyevich ANTONOV** 22/07/1984 Trifonych	Special detention centre for administrative arrestees Kostroma (p. Karavayevo) 12/03/2016 to 24/03/2016
3.	26582/16	05/04/2016	**Sergey Nikolayevich SHALAMOV** 08/03/1981 Kostroma	Special detention centre for administrative arrestees Kostroma (p. Karavayevo) 25/02/2016 to 27/02/2016
4.	26588/16	05/04/2016	**Yevgeniy Mikhaylovich MAKAROV** 23/07/1990 Kostroma	Special detention centre for administrative arrestees Kostroma (p. Karavayevo) 17/02/2016 to 29/02/2016
5.	27257/16	05/04/2016	**Fedor Fedorovich KRASNOBAYEV** 02/06/1988 Kostroma	Special detention centre for administrative arrestees Kostroma (p. Karavayevo) 08/12/2015 to 19/12/2015
6.	47068/16	01/08/2016	**Viktoriya Mikhaylovna GLUSHAYEVA** 07/11/1981 Kostroma	Special detention centre for administrative arrestees Kostroma (Sverdlova str.) 03/06/2016 to 05/06/2016
7.	54089/16	03/09/2016	**Maksim Vadimovich DMITRENKOV** 07/09/1987 Kostroma	Special detention centre for administrative arrestees Kostroma (p. Karavayevo) 30/07/2016 to 09/08/2016

8.	54116/16	26/08/2016	**Vadim Valeryevich KUZMINYKH** 30/03/1970 Kosmynino	Police station (UMVD) Kostroma, 22 Volzhskaya str. 18/08/2016 to 19/08/2016 Special detention centre for administrative arrestees Kostroma (Sverdlova str.) 19/08/2016 to 23/08/2016
9.	54247/16	03/09/2016	**Roman Konstatninovich KOVYRNEV** 04/05/1988 Kostroma	Special detention centre for administrative arrestees Kostroma (Sverdlova str.) 26/05/2016 to 30/05/2016