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

THIRD SECTION

DECISION

Application no. 55690/19
Valentina Gennadyevna ROGOZINA and Others against Russia
and 10 other applications
(see appended table)

The European Court of Human Rights (Third Section), sitting on 25 August 2022 as a Committee composed of:

Darian Pavli, *President,*
Andreas Zünd,
Mikhail Lobov, *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 deliberated, decides as follows:

FACTS AND PROCEDURE

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

The applicants complained of their or their relative's (a detainee) allocation or transfer to a remote penal facility irrespective of family life considerations. In some of the applications, complaints based on the same facts were also communicated under other provisions of the Convention.

THE LAW

A. Joinder of the applications

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

B. Alleged violations of Articles 8 and 13 of the Convention

The applicants complained of their or their relative's (a detainee) allocation or transfer to a remote penal facility irrespective of family life

considerations. They relied on Articles 8 and 13 of the Convention, which read, in so far as relevant, as follows:

Article 8

"1. Everyone has the right to respect for his private and family life ...

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

Article 13

"Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."

The Court reiterates that in its recent decisions of *Dadusenko and Others v. Russia* ((dec.), no. 36027/19 and 3 others, 7 September 2021) and *Tamamshev and Others v. Russia* ((dec.) [Committee], nos. 57368/19 and 59831/19, §§ 22-23, 7 September 2021), it has accepted that the Russian Code of Execution of Criminal Sentences (the "CES") as amended on 1 April 2020 (effective as of 29 September 2020) provided for an effective remedy for the complaints about the breaches of Article 8 of the Convention, as regards allocation or transfer of prisoners to a remote penal facility irrespective of family life considerations, and, having dismissed those complaints for the applicants' failure to exhaust a new remedy, it has declared that it will apply that approach to all similar applications pending before the Court (see *Dadusenko and Others*, cited above, §§ 25-34).

Having examined all the material before 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. It therefore considers that, in so far as the applicants have lodged prima facie well-founded complaints, the amended CES affords them an opportunity to obtain adequate redress by lodging a transfer request with the Federal Service of Execution of Sentences and/or challenging the proportionality of the refusal of transfer in court. Accordingly, the applicants should exhaust this remedy before their complaints can be examined by the Court. It follows that these complaints under Article 8 of the Convention should be declared inadmissible pursuant to Article 35 §§ 1 and 4 of the Convention.

The Court has found above that the applicants have an effective remedy at their disposal which they have been required to use for the purpose of Article 35 § 1 of the Convention. Accordingly, their complaints under Article 13 of the Convention must be rejected as being manifestly ill-founded within the meaning of 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 15 September 2022.

Viktoriya Maradudina	Darian Pavli
Acting Deputy Registrar	President

APPENDIX

List of applications raising complaints under Article 8 § 1 of the Convention (allocation or transfer to a remote penal facility irrespective of family life considerations)

No.	Application no. Date of introduction	Applicant's name Year of birth	Detention facility	Family member	Place of residence of the family member	Approximate distance between the facility and the place of residence of the family members (in km)	Other complaints under well-established case-law
1.	55690/19 14/10/2019 (4 applicants)	**Valentina Gennadyevna ROGOZINA** 1957 **Svetlana Gennadyevna MITROFANOVA** 1960 **Viktor Nikolayevich ROGOZIN** 1977 **Karina Viktorovna ROGOZINA** 2004	IK-18 Yamalo-Nenetskiy Region	the first applicant is the mother of the fourth applicant who is a detainee, the second applicant is the aunt of the fourth applicant; the third applicant is the daughter of the fourth applicant	Shumikha, Kurgan Region	2,500	Art. 13 - lack of any effective remedy in domestic law in respect of allocation to a remote colony
2.	13633/20 25/02/2020	**Pavel Nikolayevich YEMANOV** 1976	IK-6 Orenburg Region	The applicant is a detainee, his relative is his mother	Usolye-Sibirskoye, Irkutsk Region	4,000	
3.	16644/20 16/03/2020	**Viktor Ellinovich LOGVINENKO** 1970	IK-2 OIK-2 Perm Region	The applicant is a detainee, his relative is his sister	Khabarovsk	7,000	Art. 13 - lack of any effective remedy in domestic law in respect of allocation to a remote correctional colony
4.	21255/20 14/04/2020	**Vitaliy Nikolayevich MOROZOV** 1969	IK-18 Yamalo-Nenetskiy Region	The applicant is a detainee, his brother is the sole relative, the applicant's parents were stripped of parental rights; the applicant and his brother were placed in an	Kazan, Tatarstan Republic	2,500	Art. 13 - lack of any effective remedy in domestic law in respect of allocation to a remote correctional colony

No.	Application no. Date of introduction	Applicant's name Year of birth	Detention facility	Family member	Place of residence of the family member	Approximate distance between the facility and the place of residence of the family members (in km)	Other complaints under well-established case-law
				orphanage; the applicant enclosed letters from his brother			
5.	27321/20 26/05/2020	**Dmitriy Leonidovich LUKHTAN** 1983	IK-2 Perm Region	The applicant is a detainee, his relatives are: mother, brother, grandmother	Belgorod Region	3,000	Art. 13 - lack of any effective remedy in domestic law in respect of allocation to a remote correctional colony
6.	29596/20 07/04/2020	**Aleksey Mingishevich KHABBASOV** 1980	IK-18 Yamalo-Nenetskiy Region	The applicant is a detainee, his relatives are: mother, father, sister	Orenburg Region	2,500	Art. 13 - lack of any effective remedy in domestic law in respect of allocation to a remote correctional colony
7.	39823/20 18/08/2020 (7 applicants)	**Tatyana Mingishevna POKOLEVA** 1988 **Marina Mingishevna BERTLYUYEVA** 1976 **Mingish Khasanovich KHABBASOV** 1940 **Alla Alekseyevna KHABBASOVA** 1985 **Yelena Grigoryevna KHABBASOVA** 1948 **Lidiya Mingisheva MRYASOVA** 1971 **Natalya Mingishevna SLYAVCHINOVA** 1978	IK-2 OIK-2 Perm Region, IK-6 Khabarovsk Region, IK-18 Yamalo-Nenetskiy Region	The applicants are all relatives (parents, sisters, wives, children) of 3 detainees	Orenburg Region	<2,000	Art. 13 - lack of any effective remedy in domestic law in respect of allocation to a remote correctional colony

No.	Application no. Date of introduction	Applicant's name Year of birth	Detention facility	Family member	Place of residence of the family member	Approximate distance between the facility and the place of residence of the family members (in km)	Other complaints under well-established case-law
8.	50607/20 21/10/2020	**Izosim Sergeyevich TIMOFEYEV** 1993 **Valentina Petrovna TIMOFEYEVA** 1945	IK-18 Yamalo-Nenetskiy Region	The second applicant is the grandmother of the first applicant	Volgograd Region	3,400	Art. 13 - lack of any effective remedy in domestic law in respect of allocation to a remote correctional colony
9.	51247/20 19/10/2020	**Denis Vyacheslavovich KRYTSYN** 1983	IK-18 Yamalo Nenetskiy Avtonomnyy Okrug	The applicant is a detainee, his relative is his mother	Shakhty, Rostov Region	5,000	Art. 13 - lack of any effective remedy in domestic law in respect of allocation to a remote correctional colony
10.	3238/21 01/12/2020	**Galina Nikolayevna VATKINA** 1951 **Sergey Viktorovich VATKIN** 1970	IK-6 Khabarovsk Region	The first applicant is the mother of the second applicant, a detainee	Radishchev, Irkutsk Region	3,000	
11.	8397/21 11/01/2020	**Albina Vladimirovna POLICHEVA** 1969	IK-56 Sverdlovsk Region	The applicant is the mother of a detainee	Irkutsk	3,000	Art. 13 - lack of any effective remedy in domestic law in respect of allocation to a remote correctional colony