

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

THIRD SECTION

DECISION

Applications nos. 4115/19 and 45107/20
Aleksey Yuryevich RYZHKOV against Russia
and Aleksandr Anatolyevich DEGTYAREV against Russia
(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 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 list of applicants is set out in the appended table.

The applicants complained of their allocation or transfer to a remote penal facility irrespective of family life considerations. They also raised complaints based on the same facts which were 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 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) and supplemented by Rulings of the Supreme Court 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.

It further notes that both applicants availed themselves of the existing remedy. Their appeals lodged against the penitentiary administration's refusals were rejected by the domestic courts, including the Supreme Court, on the ground that they did not substantiate the existence of "exceptional circumstances", i.e. that their allocation to a colony located in a different region constituted an obstacle to their family life. After having examined all the material before it, the Court notes that the applicants did not put forward any argument or fact which would enable it to reach a different conclusion. It follows that these complaints under Article 8 of the Convention should be declared manifestly ill-founded pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

Finally, the Court reiterates that Article 13 requires domestic remedies only with regard to complaints arguable in terms of the Convention (see *Boyle and Rice v. the United Kingdom*, 27 April 1988, § 52, Series A no. 131). Since the Court has found above that the applicants' complaints about their

allocation to remote penitentiary facilities are manifestly ill-founded, no issue under Article 13 of the Convention arises in this case.

It follows that these complaints 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 15 September 2022.

Viktoriya Maradudina	Darian Pavli
Acting Deputy Registrar	President

APPENDIX

List of applications raising complaints under Articles 8 and 13 of the Convention
(allocation or transfer to a remote penal facility irrespective of family life considerations and lack of an effective remedy)

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)
1.	4115/19 17/12/2018	**Aleksey Yuryevich RYZHKOV** 1975	IK-2 OIK-2 Perm Region	The applicant is a detainee, sentenced to life imprisonment, his relative is his mother	Khabarovsk	6,500
2.	45107/20 01/09/2020	**Aleksandr Anatolyevich DEGTYAREV** 1988	IK-18 Yamalo-Nenetskiy Region	The applicant is a detainee, sentenced to life imprisonment, his relatives are: father, mother	Nizhniy Novgorod	2,600