

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

SECOND SECTION

DECISION

Application no. 14227/18
Yevgeniy Aleksandrovich SANIN against Russia
and 5 other applications
(see appended table)

The European Court of Human Rights (Second Section), sitting on 6 July 2023 as a Committee composed of:

Lorraine Schembri Orland*, President*,
Frédéric Krenc,
Davor Derenčinović*, 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' complaints under Article 3 of the Convention concerning the inadequate conditions of detention after conviction were communicated to the Russian Government ("the Government"). Complaints based on the same facts were also communicated under other provisions of the Convention.

THE LAW

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

Having examined the complaints under Article 3 of the Convention concerning conditions of the applicants' detention, the Court is of the view that there is no longer any justification for examining these complaints for the reasons set out below.

The Court notes that, as matters stand, the material facts complained of by the applicants have ceased to exist. They are no longer detained in the

conditions complained of. It further notes that it was open to the applicants to make resort to a new compensatory remedy, introduced by the Russian Federation on 27 January 2020, in respect of their complaints concerning the conditions of detention in breach of the national legislation (see *Shmelev and Others v. Russia* ((dec.), nos. 41743/17 and 16 others, 17 March 2020).

Regard being had to its findings in *Shmelev and Others* (cited above) that the said remedy presents, in principle, an adequate and effective avenue for redress and offers reasonable prospects of success (ibid., § 54), and having regard to the fact that following their release the applicants did not inform the Court of their whereabouts, the Court considers it is no longer justified to continue the examination of this part of the applications (Article 37 § 1 (c) of the Convention) and that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of those complaints under Article 37 § 1 *in fine*.

Accordingly, this part of the applications should be struck out of the list.

As regards the remainder of the complaints lodged by the applicants, the Court has examined the applications and considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints either do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

It follows that this part of the applications must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Decides to strike the part of the applications out of its list of cases as regards the complaints about poor conditions of detention;

Declares the remainder of the applications inadmissible.

Done in English and notified in writing on 7 September 2023.

Viktoriya Maradudina Acting Deputy Registrar	Lorraine Schembri Orland 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	Inmates per brigade Sq. m per inmate Number of toilets per brigade	Alleged grievances
1.	14227/18 11/05/2018	**Yevgeniy Aleksandrovich SANIN** 1980		IK-2 Zabaykalskiy Region 22/03/2014 to 13/01/2021 6 year(s) and 9 month(s) and 23 day(s)	1.6 m²	inadequate temperature, lack of fresh air, mouldy or dirty cell, infestation of cell with insects/rodents, lack of or insufficient electric light, lack of privacy for toilet, no or restricted access to shower, overcrowding in the kitchen, sharing cells with inmates infected with contagious disease, poor quality of food
2.	35094/18 26/09/2018	**Aleksandr Anatolyevich KOLOSOV** 1983		IK-2 Zabaykalskiy Region 29/11/2017 to 27/10/2020 2 year(s) and 10 month(s) and 29 day(s)	1.5 m²	lack of or inadequate hygienic facilities, lack of or insufficient electric light, mouldy or dirty cell, overcrowding, no or restricted access to warm water
3.	35588/18 04/09/2018	**Vasiliy Aleksandrovich GUSEV** 1980		IK-2 Zabaykalskiy Region 12/11/2009 to 02/08/2021 11 year(s) and 8 month(s) and 22 day(s)	150 inmate(s) 1.4 m² 2 toilet(s)	overcrowding, no or restricted access to running water, no or restricted access to toilet, lack of fresh air, mouldy or dirty cell, lack of or insufficient electric light, no or restricted access to warm water, no or restricted access to shower
4.	40784/18 03/12/2018	**Roman Leonidovich SUKHORUCHKIN** 1985		IK-2 Zabaykalskiy Region 01/01/2010 to 17/06/2021 11 year(s) and 5 month(s) and 17 day(s)	140 inmate(s) 1.5 m²	overcrowding, narrow passages in the cell, lack of privacy for toilet

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility Start and end date Duration	Inmates per brigade Sq. m per inmate Number of toilets per brigade	Alleged grievances
5.	54326/18 06/11/2018	**Andrey Aleksandrovich CHOVLEV** 1966		IK-2 Zabaykalskiy Region 10/11/2017 to 06/07/2021 3 year(s) and 7 month(s) and 27 day(s)	1.5 m²	overcrowding, lack of privacy for toilet, no or restricted access to warm water, no or restricted access to shower
6.	56341/18 06/11/2018	**Kirill Vladimirovich KOPTELOV** 1983	Uvarov Aleksandr Leonidovich Nizhniy Tagil	IK-54 Sverdlovsk Region 16/01/2015 to 03/05/2020 5 year(s) and 3 month(s) and 18 day(s)	100 inmate(s) less than 2 m² 5 toilet(s)	overcrowding, high humidity level, insufficient number of toilets and wash basins, poor quality of food, insufficient space and inadequate state of the exercise yard, unpleasant odour from the nearby sewage manhole, lack of or insufficient electric light, lack of fresh air, mouldy or dirty cell