

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

THIRD SECTION

DECISION

Applications nos. 24334/07 and 23688/18
Igor Vladimirovich SELTSOV against Russia
and Oleg Yevgenyevich CHIZHOV against Russia
(see appended table)

The European Court of Human Rights (Third Section), sitting on 16 June 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 in application no. 24334/07,

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 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

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. Complaints under Article 3 of the Convention (inadequate conditions of detention) and under Article 13 of the Convention (lack of any effective remedy)

In the present applications, the applicants complained of conditions of their post-conviction detention in violation of the national requirements during periods which had already come to an end (for further details see the appended table). They also argued that they did not have an effective domestic remedy to complain about those conditions at the national level. Articles 3 and 13 read:

Article 3

Prohibition of torture

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

Article 13

Right to an effective remedy

"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 Government submitted their observations, having disputed the violations alleged. On 10 January 2020 the Government submitted additional information about the new Compensation Act and asked to treat it as a new remedy in respect of conditions of detention complaints under Articles 3 and 13 of the Convention.

The Court has earlier held that applicants are required to make use of the newly introduced compensatory remedy in respect of improper conditions of past correctional detention in breach of domestic standards (see *Shmelev and Others v. Russia* (dec.), no. 41743/17, §§ 153-57, 17 March 2020). In the present case, the applicants complained about the conditions of their post-conviction detention which were, as indicated by the applicants, below the national standard of two square metres per person. Therefore, there are no circumstances which could justify the applicants' failure to have recourse to the new compensatory remedy.

It follows that the complaints under Article 3 of the Convention must be rejected for non-exhaustion of domestic remedies pursuant to Article 35 §§ 1 and 4 of the Convention.

In so far as the applicants refer to Article 13 of the Convention, the Court, having regard to its conclusion concerning Article 3, finds that no separate issue arises under this provision. It finds that this complaint is manifestly ill-founded within the meaning of Article 35 §§ 3 and 4 of the Convention.

C. Remaining complaints

Mr Seltsov (application no. 24344/07) also raised other complaints under various articles of the Convention.

The Court has examined those complaints 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 application must be rejected in accordance with Article 35 § 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 7 July 2022.

Viktoriya Maradudina	Darian Pavli
Acting Deputy Registrar	President

APPENDIX

List of applications raising complaints under Article 3 of the Convention (inadequate conditions of detention)

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	Specific grievances
1.	24334/07 12/04/2007	**Igor Vladimirovich SELTSOV** 1968	Misakyan Mariya Gennadyevna Moscow	IK-3, IK-6, IK-7 Vladimir Region 08/08/2002 to 11/04/2011 8 year(s) and 8 month(s) and 4 day(s)	115 inmate(s) 1.5 m² 6 toilet(s)	lack of fresh air, lack of or insufficient electric light, lack of or insufficient natural light, no or restricted access to warm water, sharing cells with inmates infected with contagious disease, no or restricted access to toilet, lack of requisite medical assistance
2.	23688/18 10/05/2018	**Oleg Yevgenyevich CHIZHOV** 1988		IK-11 Nizhniy Novgorod Region 26/10/2015 to 07/05/2020 4 year(s) and 6 month(s) and 12 day(s)	160 inmate(s) 1.6-1.8 m² 6 toilet(s)	lack of fresh air, inadequate temperature, lack of or insufficient electric light, lack of or insufficient natural light, lack of or poor quality of bedding and bed linen, infestation of cell with insects/rodents, poor quality of food, lack of or insufficient physical exercise in fresh air, no or restricted access to shower, inadequate clothing