

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

THIRD SECTION

DECISION

Applications nos. 43463/16 and 44209/16
Vladimir Vasilyevich TORLIN against Russia
and Ilya Sergeyevich SHISHKIN against Russia
(see appended table)

The European Court of Human Rights (Third Section), sitting on 15 June 2017 as a Committee composed of:

Luis López Guerra, *President,*
Dmitry Dedov,
Jolien Schukking, *judges,*

and Liv Tigerstedt, *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 applicants,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants and the relevant details of the applications are set out in the appended table.

The applicants' complaints under Articles 3 and 13 of the Convention concerning the inadequate conditions of detention and the absence of effective domestic remedy in this respect were communicated to the Russian Government ("the Government"). The applicant, Mr Shishkin, (case no. 44209/16) also complained under Article 3 about inadequate conditions of detention during his transport.

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

The Court reiterates that it adopts conclusions after evaluating all the evidence, including such inferences as may flow from the facts and the parties' submissions. According to its established case-law, proof may follow from the coexistence of sufficiently strong, clear and concordant inferences or of similar unrebutted presumptions of fact (see, for example, *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, § 121, 10 January 2012). In cases regarding conditions of detention the burden of proof may, under certain circumstances, be shifted to the authorities (see *Salman v. Turkey* [GC], no. 21986/93, § 100, ECHR 2000-VII; see also *Mathew v. the Netherlands*, no. 24919/03, § 156, ECHR 2005 IX). Nevertheless, an applicant must provide an elaborate and consistent account of the conditions of his or her detention, mentioning the specific elements which would enable the Court to determine that the complaint is not manifestly ill-founded or inadmissible on any other grounds.

In the present case, the Government contended that the applicants had been afforded adequate personal space and had individual sleeping places in their cells. The Court lends credence to the Government's submissions, which were corroborated by documentary evidence, such as population registers, floor plans and color photographs of the cells in which the applicants were detained, whereas the applicants did not adduce any evidence capable of contradicting it.

Taking into account the cumulative effect of the conditions of the applicants' detention, the Court does not consider that the conditions reached the threshold of severity required to characterise the treatment as inhuman or degrading within the meaning of Article 3 of the Convention.

In view of the above, the Court finds that these complaints are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

C. Complaints under Article 13 of the Convention

The applicants also complained that they did not have at their disposal an effective remedy to complain about the inadequate conditions of detention. Given that the applicants' complaints under Article 3 of the Convention on

account of allegedly inadequate conditions of detention were rejected for being manifestly ill-founded, the complaints under Article 13 should also be declared manifestly ill-founded and rejected under Article 35 §§ 3 and 4 of the Convention (see *Razvyazkin v. Russia*, no. 13579/09, §§ 125-26, 3 July 2012).

D. Remaining complaint in application no. 44209/16

The applicant, Mr Shishkin, (application no. 44209/16) also raised a complaint under Article 3 of the Convention about the conditions of his transport from a remand prison to a correctional facility.

The Court has examined the application and considers that, in the light of all the material in its possession and in so far as the matter complained of is within its competence, this complaint either does not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or does 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 6 July 2017.

Liv Tigerstedt
Acting Deputy Registrar

Luis López Guerra
President

APPENDIX

No.	Application no. Date of introduction	Applicant name Date of birth	Facility Start and end date Duration	Sq. m. per inmate	Specific grievances	Other complaints under well-established case-law
1.	43463/16 15/07/2016	**Vladimir Vasilyevich Torlin** 27/11/1987	IZ-37/1 Ivanovo 19/07/2014 to 04/02/2016 1 year(s) and 6 month(s) and 17 day(s)	3.2-4.5 m²	insufficient number of sleeping places, lack of fresh air, constant electric light, inadequate temperature, infestation of cell with insects/rodents, no or restricted access to shower, lack of or insufficient physical exercise in fresh air	Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention
2.	44209/16 22/07/2016	**Ilya Sergeyevich Shishkin** 13/01/1983	IZ-1 Ivanovo 23/07/2014 to 04/02/2016 1 year(s) and 6 month(s) and 13 day(s)	3 m²	overcrowding, lack of or insufficient electric light, lack of fresh air, inadequate temperature, insufficient number of sleeping places, lack or inadequate furniture, no or restricted access to shower, no or restricted access to warm water, infestation of cell with insects/rodents, mouldy or dirty cell, lack of or insufficient physical exercise in fresh air, lack of or restricted access to leisure or educational activities	Art. 3 - inadequate conditions of detention during transport, Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention