



Russia must reform legislation which automatically places life prisoners under strict imprisonment regime

In today's **Chamber** judgment¹ in the case of **N.T. v. Russia** (application no. 14727/11) the European Court of Human Rights held, unanimously, that there had been:

a violation of Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights.

The case concerned the applicant's complaint about routine handcuffing and various aspects of his strict imprisonment regime, which had been applied to him for several years on the sole grounds of his life sentence.

The Court found in particular that the Government had neither justified the applicant's prolonged isolation, including solitary confinement, nor his routine handcuffing for more than five years.

The applicant's situation had moreover been aggravated by the fact that he had been confined to his cell for about 22-and-a-half hours a day, without any other activity to do, such as work or education, and by the fact that he often had to carry a heavy lavatory bucket to empty it outside while still handcuffed.

Overall, the applicant's treatment had to have caused him significant distress and had been inhuman and degrading.

The Court considered that the violation found in the case disclosed a systemic problem which affected each life prisoner during the first ten years of his imprisonment and gave suggestions for the measures which could be taken for reform.

Principal facts

The applicant, Mr N.T., is a Russian national who is currently serving a life sentence in special-regime correctional colony no. 6 ("IK-6") in the village of Elban in the Khabarovsk Region.

Mr N.T. started serving his sentence in special-regime correctional colony no. 56, located in the Lozvinskiy settlement in the Sverdlovsk Region ("IK-56"), in December 2010. He was automatically placed under the strict imprisonment regime, which applies to all life prisoners in Russia for at least the first ten years of their sentence.

He was detained there for over seven years before being transferred to IK-6, where the strict imprisonment regime continued for several more months until the statutory period expired. During this time he was held in solitary confinement or a double cell with another prisoner.

From the first day of his detention in IK-56 until the end of 2015, he was handcuffed each time he left his cell, and even when he had to empty his heavy 30-litre lavatory bucket into a cesspool outside the building, there being no sewerage system in the facility.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

When transferred to IK-6 in March 2018 he was put on the list of dangerous prisoners (“prisoners inclined to escape, attack, take hostages, commit suicide or self-injure”), and prison guards started to handcuff him again on a regular basis.

Complaints, procedure and composition of the Court

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr N.T. complained about the strict imprisonment regime applied to him as a life prisoner, including routine handcuffing.

The application was lodged with the European Court of Human Rights on 9 February 2011.

Judgment was given by a Chamber of seven judges, composed as follows:

Paul **Lemmens** (Belgium), *President*,
Georgios A. **Serghides** (Cyprus),
Helen **Keller** (Switzerland),
Dmitry **Dedov** (Russia),
Alena **Poláčková** (Slovakia),
Lorraine **Schembri Orland** (Malta),
Ana Maria **Guerra Martins** (Portugal),

and also Milan **Blaško**, *Section Registrar*.

Decision of the Court

Article 3 (inhuman or degrading treatment)

All in all, the applicant had been segregated for years from the rest of the prison community, solely on the ground of his life sentence, either in isolation or by confinement in a double cell. His situation had been further aggravated by the fact that he had been confined to his cell for about 22-and-a-half hours a day, without any purposeful activity, such as work or education.

The Court had already held that all forms of solitary confinement were likely, in the long term, to have damaging effects, resulting in the deterioration of mental faculties and social abilities. Confinement in a double cell could have similar negative effects if both detainees had to spend years locked up in one cell without any purposeful activity, adequate access to outdoor exercise or contacts with the outside world.

Detention in double cells in such conditions or prolonged isolation could therefore only be justified by particular security reasons. The Government had not, however, explained the reasons for the applicant’s solitary confinement.

Nor had they provided any reasons to justify the systematic handcuffing of the applicant, apart from the fact that he had been on the list of dangerous prisoners from March 2018. That did not explain though why it had been necessary to use handcuffs on him from the date of his arrival at IK-56 in 2010, particularly as he had never breached prison discipline during the entire period of his detention in that facility. His routine handcuffing from 2010 to 2015, especially while being escorted around IK-56, a highly secure facility, had clearly exceeded the legitimate requirements of prison security. That situation had been aggravated by the fact that he had had to regularly carry a heavy lavatory bucket outside to empty it with his hands cuffed.

The isolation, limited outdoor exercise and lack of purposeful activity had to have resulted in intense and prolonged feelings of loneliness and boredom for the applicant which could have led to his being institutionalised, while the routine handcuffing had diminished his human dignity and caused

him anguish. Such a situation had to have caused significant distress to the applicant which had gone far beyond the unavoidable suffering and humiliation inherent in life imprisonment.

The Court concluded that that had amounted to treatment proscribed by Article 3. There had therefore been a violation of Article 3 of the Convention on account of the inhuman and degrading treatment to which the applicant had been subjected under the strict imprisonment regime.

Article 46 (binding force and enforcement)

The violation found in the applicant's case stemmed in large part from the relevant provisions of the Code for the Execution of Criminal Sentences, which disclosed a systemic problem affecting each life prisoner during the first ten years of his imprisonment. Taking into account the urgent need to grant such prisoners speedy and appropriate redress at domestic level, the Court decided to outline measures that could be instrumental in resolving the structural problem in compliance with the Convention.

Such measures could include removing the automatic application of the strict imprisonment regime to all life prisoners and putting in place provisions which imposed – and maintained – the regime only on the basis of an individual risk assessment of each life prisoner and for no longer than strictly necessary. It could also be envisaged that certain aspects of the strict regime be mitigated, particularly those concerning physical restrictions, the isolation of life prisoners and their access to social and rehabilitation activities.

Just satisfaction (Article 41)

The Court held that Russia was to pay the applicant 3,000 euros (EUR) in respect of non-pecuniary damage and EUR 1,000 in respect of costs and expenses.

The judgment is available only in English.

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court's press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHR_CEDH](https://twitter.com/ECHR_CEDH).

Press contacts

Journalists can contact the Press Unit via echrpess@echr.coe.int

Tracey Turner-Tretz

Denis Lambert

Inci Ertekin

Patrick Lannin

The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.