



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

FOURTH SECTION

CASE OF RUDIK AND OTHERS v. RUSSIA

*(Applications nos. 60846/15 and 8 others –
see appended list)*

JUDGMENT

STRASBOURG

27 June 2024

This judgment is final but it may be subject to editorial revision.

In the case of Rudik and Others v. Russia,

The European Court of Human Rights (Fourth Section), sitting as a Committee composed of:

Branko Lubarda, *President*,

Armen Harutyunyan,

Ana Maria Guerra Martins, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 6 June 2024,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in applications against Russia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on the various dates indicated in the appended table.

2. The Russian Government (“the Government”) were given notice of the applications.

THE FACTS

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

4. The applicants complained about their confinement in a metal cage before the court during the criminal proceedings against them. Some applicants also raised other complaints under the provisions of the Convention and its Protocols.

THE LAW

I. JOINDER OF THE APPLICATIONS

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

II. JURISDICTION

6. The Court observes that the facts giving rise to the alleged violations of the Convention occurred prior to 16 September 2022, the date on which the Russian Federation ceased to be a party to the Convention. The Court therefore decides that it has jurisdiction to examine the present applications (see *Fedotova and Others v. Russia* [GC], nos. 40792/10 and 2 others, §§ 68-73, 17 January 2023, and *Pivkina and Others v. Russia* (dec.), nos. 2134/23 and 6 others, § 46, 6 June 2023).

III. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION ON ACCOUNT OF CONFINEMENT IN A METAL CAGE BEFORE THE COURT

7. The applicants complained principally about their confinement in a metal cage before the court during the criminal proceedings against them. They relied on Article 3 of the Convention.

8. The Court notes that the applicants were kept in a metal cage before the court in the context of their trial. In the leading cases of *Svinarenko and Slyadnev v. Russia* [GC], nos. 32541/08 and 43441/08, ECHR 2014 (extracts), and *Vorontsov and Others v. Russia*, nos. 59655/14 and 2 others, 31 January 2017, the Court already dealt with the issue of the use of metal cages in courtrooms and found that such a practice constituted in itself an affront to human dignity and amounted to degrading treatment prohibited by Article 3 of the Convention. Similar finding was reached by the Court in respect of the practice of confinement of defendants in metal cages at remand prisons for the purposes of their participation in court hearings carried out via a video link (see *Karachentsev v. Russia*, no. 23229/11, §§ 50-54, 17 April 2018).

9. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. Having regard to its case-law on the subject, the Court considers that in the instant case the applicants' confinement in a metal cage before the court during the criminal proceedings against them amounted to degrading treatment.

10. These complaints are therefore admissible and disclose a breach of Article 3 of the Convention.

IV. OTHER ALLEGED VIOLATIONS UNDER WELL-ESTABLISHED CASE-LAW

11. Some applicants submitted other complaints which also raised issues under the Convention and its Protocols, given the relevant well-established case-law of the Court (see appended table). These complaints are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor are they inadmissible on any other ground. Accordingly, they must be declared admissible.

12. Having examined all the material before it, the Court concludes that they also disclose violations of the Convention and its Protocols in the light of its findings in *Gorbulya v. Russia*, no. 31535/09, §§ 50-58 and 74-81, 6 March 2014, as regards conditions of solitary confinement in remand prisons and lack of an effective remedy in that respect; *N.T. v. Russia*, no. 14727/11, §§ 32-57, 2 June 2020, concerning inadequate conditions of detention under strict imprisonment regime; *Idalov v. Russia* [GC],

no. 5826/03, §§ 103-08, 22 May 2012, and *Tomov and Others v. Russia*, nos. 18255/10 and 5 others, §§ 92-156, 9 April 2019, concerning inadequate conditions of transport and lack of an effective remedy in that respect; *Fortalnov and Others v. Russia*, nos. 7077/06 and 12 others, §§ 76-84, 26 June 2018, as regards the unlawful deprivation of liberty; *Dirdizov v. Russia*, no. 41461/10, §§ 108-11, 27 November 2012, as regards lengthy and unjustified pre-trial detention; *Idalov*, cited above, §§ 154-58, as regards lengthy review of detention matters; *Yaroslav Belousov v. Russia*, nos. 2653/13 and 60980/14, §§ 145-53, 4 October 2016, and *Urazov v. Russia*, no. 42147/05, §§ 85-90, 14 June 2016, concerning the impact of the applicants' confinement in a metal cage or a glass cabin on the exercise of their rights to participate effectively in the proceedings and to receive practical and effective legal assistance; *Andrey Smirnov v. Russia*, no. 43149/10, §§ 35-57, 13 February 2018, as regards restrictions on family visits in pre-trial detention facilities, and *Pavlova v. Russia*, no. 8578/12, §§ 31-33, 18 February 2020, as regards the lack of an effective remedy in respect of restrictions on family visits; *Gorlov and Others v. Russia*, nos. 27057/06 and 2 others, §§ 58-110, 2 July 2019, concerning permanent video surveillance of detainees and lack of an effective remedy in that respect; and *Anchugov and Gladkov v. Russia*, nos. 11157/04 and 15162/05, §§ 59-63 and 101-12, 4 July 2013, as regards ineligibility for convicted prisoners to vote in or stand for elections and lack of an effective remedy in that respect.

V. REMAINING COMPLAINTS

13. Some applicants raised further additional complaints under Articles 3 and 13 of the Convention and Article 14 of the Convention in conjunction with Article 3 of Protocol No. 1 to the Convention. In view of the findings in paragraphs 9-10 and 13 above, the Court considers that there is no need to deal separately with these remaining complaints.

VI. APPLICATION OF ARTICLE 41 OF THE CONVENTION

14. Regard being had to the documents in its possession and to its case-law (see, in particular, *Vorontsov and Others*, cited above), the Court considers that the finding of a violation in respect of the second applicant in application no. 60846/15 and in respect of the applicant in application no. 19428/20 will constitute in itself sufficient just satisfaction (see *Ivanov and Others v. Russia* [Committee], nos. 44363/14 and 2 others, § 12, 4 June 2020, and *Puzanov v. Russia* [Committee], nos. 26895/14 and 2 other applications, § 13, 15 September 2022). It further finds it reasonable to award the sums indicated in the appended table to the remaining applicants.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Holds* that it has jurisdiction to deal with these applications as they relate to facts that took place before 16 September 2022;
3. *Declares* the complaints under Article 3 of the Convention raised by the applicants in respect of their placement in a metal cage before the court during the criminal proceedings against them, as well as other complaints under the well-established case-law of the Court (see appended table) admissible, and *finds* that it is not necessary to examine separately the remaining complaints lodged by some of the applicants;
4. *Holds* that these applications disclose a breach of Article 3 of the Convention on account of the applicants' placement in a metal cage before the court during the criminal proceedings against them;
5. *Holds* that there has been a violation of the Convention and its Protocols as regards the other complaints raised under the well-established case-law of the Court (see appended table);
6. *Holds* that the finding of a violation constitutes in itself sufficient just satisfaction for the non-pecuniary damage sustained by the second applicant in application no. 60846/15 and by the applicant in application no. 19428/20;
7. *Holds*
 - (a) that the respondent State is to pay the remaining applicants, within three months, the amounts indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

RUDIK AND OTHERS v. RUSSIA JUDGMENT

Done in English, and notified in writing on 27 June 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Branko Lubarda
President

RUDIK AND OTHERS v. RUSSIA JUDGMENT

APPENDIX

List of applications raising complaints under Article 3 of the Convention
(use of metal cages and/or other security arrangements in courtrooms)

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Name of the court Date of the relevant judgment	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
1.	60846/15 28/11/2015	Leonid Valeryevich RUDIK 1987 Sergey Aleksandrovich PISKUNOV 1981		Presidium of the Supreme Court of the Russian Federation (video link) 08/07/2015	<p>Art. 3 - inadequate conditions of the second applicant's detention under strict imprisonment regime –IK-18 of the Yamalo-Nenets Autonomous Region: isolation, limited outdoor exercise, lack of any purposeful activity; 14/12/2014 – pending as of 16/09/2022,</p> <p>Art. 6 (1) - and Art. 6 (3) (c) –absence of confidential exchange with representative during the hearing of the first applicant's criminal case by the Presidium of the Supreme Court of Russia due to the latter's participation in that hearing by means of a video link,</p> <p>Art. 8 (1) - permanent video surveillance of detainees in pre-trial or post-conviction detention facilities - IK-18 of the Yamalo-Nenets Autonomous Region, from January 2017 - onwards, opposite-sex operators,</p> <p>Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities and interference with the prisoners' voting rights (the latter complaint concerns the first applicant only),</p> <p>Prot. 1 Art. 3 - ineligibility to vote in or stand for elections - the first applicant, as a convicted prisoner, debarred from voting during the elections in the State Duma on 18/09/2016.</p>	<p>9,750, to the applicant Mr Rudik;</p> <p>The finding of a violation constitutes sufficient just satisfaction in respect of the applicant, Mr Piskunov</p>

RUDIK AND OTHERS v. RUSSIA JUDGMENT

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Name of the court Date of the relevant judgment	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
2.	13889/17 15/02/2017	Timur Rashitovich GILMANOV 1987	Laptev Aleksey Nikolayevich Moscow	Supreme Court of the Russian Federation (video link) 15/08/2016	Art. 3 - inadequate conditions of detention after conviction - After having been found guilty of a triple murder and sentenced to life imprisonment, pending the appeal hearing and transfer to a correctional colony, from 12/12/2015 to 23/12/2016 the applicant was held in solitary confinement (see <i>Gorbulya v. Russia</i> , no. 31535/09, 6 March 2014; <i>Borodin v. Russia</i> , no. 41867/04, 6 November 2012), Art. 13 - lack of any effective remedy in domestic law in respect of detention in solitary confinement	9,750
3.	5663/18 20/12/2017	Ilnaz Midkhatovich FASKHUTDINOV 1978		Kazan Garrison Military Court 08/12/2017	Art. 3 - inadequate conditions of detention during transport - transport by van from remand prison to courthouse between 04/07/2018 and 05/10/2018, overcrowding, transport in a single-prisoner cubicle, lack of fresh air, inadequate temperature, lack of or insufficient natural light, lack of or insufficient electric light, no or restricted access to toilet, Art. 8 (1) - restrictions on family visits in pre-trial facilities - SIZO-1 of Kazan, Republic of Tatarstan: limitation on the frequency of short-term family visits, physical separation and supervision during short-term family visits, during 2017 and at least until the end of 2018 Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention during transport and refusals of short-term family visits	8,500
4.	8716/18 08/03/2018	Timur Faridovich AKBEROV 1976	Sernovets Mariya Nikolayevna Moscow	Tverskoy District Court of Moscow, Moscow City Court (video link) 25/07/2019	Art. 5 (3) - excessive length of pre-trial detention - Tverskoy District Court of Moscow, Moscow City Court; 22/03/2016-08/12/2017; fragility and repetitiveness of the reasoning employed by the courts as the case progressed, use of assumptions, in the absence of any evidentiary basis, of the risks of absconding or obstructing justice, Art. 5 (4) - excessive length of judicial review of detention - the Moscow City Court reviewed the detention orders of the Tverskoy District Court of Moscow of 14/09/2017 and 02/12/2017 on 09/11/2017 and 01/02/2018, respectively,	9,750

RUDIK AND OTHERS v. RUSSIA JUDGMENT

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Name of the court Date of the relevant judgment	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
					<p>Art. 8 (1) - restrictions on family visits in pre-trial facilities - SIZO-2 Moscow, SIZO-2 Kaluga Region, SIZO-1 Yaroslavl Region, SIZO-1 Republic of Tatarstan: physical separation and supervision during short-term family visits, refusal of long-term family visits, impossibility of phone communications, the applicant was transferred to the correctional colony on 05/12/2019,</p> <p>Art. 13 - lack of any effective remedy in domestic law in respect of refusals of short-term family visits</p>	
5.	47611/18 24/09/2018	Dmitriy Vasilyevich KOSOLAPOV 1995		Syktvykar Town Court, Supreme Court of the Komi Republic (video link) 04/04/2018		7,500
6.	35777/19 27/09/2019	Kirill Aleksandrovich RADICHEV 1977		Verkhnyaya Pyshma Town Court of the Sverdlovsk Region (personal presence and video link), Sverdlovsk Regional Court (video link) Proceedings were pending on the date when the application was lodged with the Court	Art. 5 (1) (c) - lawful arrest or detention/reasonable suspicion of having committed an offence: the applicant was arrested on 05/03/2019 (record of arrest drawn up by the police on the same day); on 07/03/2019 the applicant was conveyed to the investigator, who on 08/03/2019 drew up the record of his arrest as a suspect; the applicant was detained on remand on 09/03/2019; the applicant thus spent over 48 hours under arrest until the custodial measure was applied to him by the court. The applicant raised this issue in his appeal against the detention order of 09/03/2019, however his complaint was dismissed on 24/05/2019.	9,750
7.	19428/20 16/03/2020	Irek Ilshatovich SADRIYEV 1994		Supreme Court of the Republic of Tatarstan (video link) 18/09/2019		The finding of a violation constitutes sufficient just satisfaction.

RUDIK AND OTHERS v. RUSSIA JUDGMENT

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Name of the court Date of the relevant judgment	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
8.	28425/20 18/04/2020	Aleksey Leonidovich CHERNOV 1968	Gigolyan Karen Kimovich Moscow	Moscow City Court 18/10/2019	Art. 3 - inadequate conditions of detention during transport – transport by van from 05/09/2019 to 18/10/2019, Art. 8 (1) - permanent video surveillance of detainees in pre-trial or post-conviction detention facilities - IZ-2 Moscow, from 20/09/2015 to 21/12/2020, detention in different cells with video surveillance, video surveillance in a lavatory and/or shower room	8,500
9.	10012/21 17/01/2021	Alaudin Savarbekovich BOKOV 1983		Ostankinskiy District Court of Moscow, Moscow City Court (video link) Proceedings were pending on the date when the application was lodged with the Court		7,500

¹ Plus any tax that may be chargeable to the applicants.