



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

THIRD SECTION

CASE OF KHARLAMOV AND OTHERS v. RUSSIA

*(Applications nos. 31280/21 and 45 others –
see appended list)*

JUDGMENT

STRASBOURG

8 February 2024

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

In the case of Kharlamov and Others v. Russia,

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

Peeter Roosma, *President*,

Ioannis Ktistakis,

Andreas Zünd, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 18 January 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 in the courtroom during the criminal and/or administrative proceedings to which they were parties. Some applicants also raised other complaints under the provisions of the Convention.

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).

III. ALLEGED VIOLATION OF ARTICLES 3 AND 13 OF THE CONVENTION

7. The applicants complained principally about their confinement in a metal cage in the courtroom during the criminal and/or administrative proceedings to which they were parties. They relied on Article 3 of the Convention, which reads as follows:

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

Some applicants also complained that they had not been afforded an effective domestic remedy in respect of their grievances under Article 3, contrary to Article 13 of the Convention, reading as follows:

“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.”

8. The Court notes that the applicants were kept in a metal cage in the courtroom in the context of their trial and/or administrative proceedings to which they were a party. 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 and/or the administrative proceedings to which they were a party amounted to degrading treatment.

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

11. Having regard to its finding above, the Court does not consider it necessary to deal separately with the applicants’ complaints under Article 13 of the Convention (see *Valyuzhenich v. Russia*, no. 10597/13, § 27, 26 March 2019).

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

12. Some applicants submitted other complaints which also raised issues under the Convention, 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.

13. Having examined all the material before it, the Court concludes that they also disclose violations of the Convention in the light of its findings in *Tomov and Others v. Russia*, nos. 18255/10 and 5 others, §§ 92-156, 9 April 2019, related to inadequate conditions of transport; *Dirdizov v. Russia*, no. 41461/10, §§ 101-11, 27 November 2012, as regards lengthy and unjustified pre-trial detention; and *Anchugov and Gladkov v. Russia*, nos. 11157/04 and 15162/05, §§ 101-12, 4 July 2013, as regards ineligibility for convicted prisoners to vote in or stand for elections.

V. REMAINING COMPLAINTS

14. In application no. 36769/21 the applicant further complained under Articles 13 and 14 of the Convention in conjunction with Article 3 of Protocol No. 1 to the Convention. The Court has examined those complaints and considers that, in the light of all the material in its possession, they do not meet the admissibility criteria set out in Article 35 of the Convention. They must therefore be rejected in accordance with Article 35 § 4 of the Convention.

VI. APPLICATION OF ARTICLE 41 OF THE CONVENTION

15. Regard being had to the documents in its possession, to its case-law (see, in particular, *Vorontsov and Others*, cited above) and to the previous awards made by the Court in earlier cases (see *Sashkov and Others v. Russia* [Committee], nos. 31606/13 and 9 others, 30 November 2017), it considers it reasonable to award the sums indicated in the appended table.

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 about the placement in a metal cage in the courtroom, and other complaints under the well-established case-law of the Court (as set out in the appended table), admissible and the remaining complaints in application no. 36769/21 inadmissible;
4. *Holds* that these applications disclose a breach of Article 3 of the Convention on account of the applicants' placement in a metal cage during court hearings;
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 it is not necessary to examine separately the applicants' complaints under Article 13 of the Convention concerning the lack of an effective domestic remedy to complain about placement in a metal cage during court hearings;
7. *Holds*
 - (a) that the respondent State is to pay the 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.

Done in English, and notified in writing on 8 February 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Peeter Roosma
President

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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.	31280/21 21/05/2021	Andrey Yuryevich KHARLAMOV 1979		Severodvinsk Town Court of the Arkhangelsk Region 24/11/2020		3,250
2.	31509/21 21/05/2021	Aleksey Andreyevich ABRAMOV 1988		Berdsk Town Court of the Novosibirsk Region, Novosibirsk Regional Court (video link) 25/11/2020		7,500
3.	31580/21 04/10/2021	Aleksandr Sergeyevich ZIMAKIN 1988		Oktyabrskiy District Court of Krasnoyarsk (proceedings pending on the date when the application was lodged with the Court)		7,500
4.	31744/21 27/05/2021	Ivan Nikolayevich MIKHAYLOV 1980		Pskov Town Court, Pskov Regional Court (video link) 24/02/2021		7,500
5.	31766/21 03/06/2021	Irina Vladislavovna TYUMENTSEVA 1972		Zheleznodorozhniy District Court of Samara, Samarskiy District Court of Samara, Samara Regional Court (video link) 03/12/2020		7,500
6.	32139/21 01/06/2021	Vladislav Garunovich MASHUROV 1970		Suzdalskiy District Court of the Vladimir Region, Vladimir Regional Court 02/12/2020		7,500
7.	32189/21 30/08/2021	Arat-ool Vasilyevich ARY 1993		Oktyabrskiy District Court of Krasnoyarsk 01/07/2021		7,500

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8.	32190/21 15/07/2021	Timur Minnezakiyevich KHASANSIN		Kirovskiy District Court of Krasnoyarsk, Tsentralniy District Court of Krasnoyarsk 13/05/2021	7,500
9.	32251/21 08/06/2021	Andrey Mikhaylovich IUS 1991		Novosibirskiy District Court of the Novosibirsk Region, Novosibirsk Regional Court (video link) 15/12/2020	7,500
10.	32724/21 04/06/2021	Roman Olegovich YAKIMOV 1982	Finashkin Andrey Yuryevich Kursk	Zheleznogorsk Town Court of the Kursk Region 17/12/2020	7,500
11.	32811/21 13/09/2021	Sergey Olegovich ABOLMASOV 1985		Sovetskiy District Court of Krasnoyarsk (proceedings pending on the date when the application was lodged with the Court)	7,500
12.	32824/21 01/06/2021	Olga Zurabovna SHCHEDRINA 1981	Finashkin Andrey Yuryevich Kursk	Promyshlenniy District Court of Kursk 29/12/2020	7,500
13.	32837/21 07/06/2021	Timur Arongulovich TEMIROV 1970		Amursk Town Court of the Khabarovsk Region 25/03/2021	7,500
14.	32877/21 29/11/2021	Aleksandr Sergeyevich STEPANOV 1992		Achinsk Town Court of the Krasnoyarsk Region (proceedings pending on the date when the application was lodged with the Court)	7,500
15.	33064/21 31/05/2021	Vyacheslav Vladimirovich RUMYANTSEV 1985		Tsentralniy District Court of Krasnoyarsk (proceedings pending on the date when the application was lodged with the Court)	7,500
16.	33086/21 02/06/2021	Vladimir Yevgenyevich LISIN 1994	Polonskiy Aleksandr Viktorovich Volgograd	Dzerzhinskiy District Court of Volgograd (proceedings pending on the date when the application was lodged with the Court)	7,500
17.	33101/21 11/06/2021	Aleksandr Sergeyevich RAZNOVAN 1988		Sverdlovskiy District Court of Kostroma, Belovo Town Court of the Kemerovo Region (proceedings pending on the date when the application was lodged with the Court)	7,500

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18.	33358/21 02/06/2021	Konstantin Borisovich KLOPOTOVSKIY 1989	Finashkin Andrey Yuryevich Kursk	Promyshlenniy District Court of Kursk 29/12/2020		7,500
19.	33452/21 07/06/2021	Boris Zurabovich SICHINAVA 1979	Finashkin Andrey Yuryevich Kursk	Promyshlenniy District Court of Kursk 29/12/2020		7,500
20.	33850/21 08/06/2021	Aleksandr Yuryevich BRYANTSEV 1977		Basmanniy District Court of Moscow, Moscow City Court (video link) 24/05/2021	Art. 5 (3) - excessive length of pre-trial detention - Detention on remand from 02/04/2020 to 10/06/2021 in the absence of sufficient reasons aside from the gravity of the charges (punishable with over three years' imprisonment)	9,750
21.	34370/21 15/06/2021	Artur Vladimirovich TRUNOV 1975	Polonskiy Aleksandr Viktorovich Volgograd	Voroshilovskiy District Court of Volgograd 09/06/2021		7,500
22.	34550/21 10/06/2021	Gennadiy Mikhaylovich KAPICHNIKOV 1984		Oktyabrskiy District Court of Tambov 15/03/2021		7,500
23.	34854/21 04/02/2021	Igor Vladimirovich YUSHKIN 1983		Volgograd Regional Court 17/09/2020		7,500
24.	35133/21 22/06/2021	Kseniya Mikhaylovna KORSHUNOVA 1999	Polonskiy Aleksandr Viktorovich Volgograd	Voroshilovskiy District Court of Volgograd, Tsentralniy District Court of Volgograd, Volgograd Regional Court (proceedings pending on the date when the application was lodged with the Court)		7,500
25.	35369/21 20/01/2022	Denis Grigoryevich SABUROV 1985		Tsentralniy District Court of Chita 16/09/2021		7,500
26.	35432/21 23/06/2021	Kristina Olegovna PUTYATINA 1989	Polonskiy Aleksandr Viktorovich Volgograd	Voroshilovskiy District Court of Volgograd, Tsentralniy District Court of Volgograd; Dzerzhinskiy District Court of Volgograd, Volgograd Regional Court 13/04/2021		7,500
27.	36492/21 20/06/2021	Rafael Isameddin-ogly GEREYKHANOV 1977		Novosibirskiy District Court of the Novosibirsk Region, Novosibirsk Regional Court (video link)		7,500

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				23/12/2020		
28.	36537/21 03/07/2021 (4 applicants)	Oleg Yuryevich VARFOLAMEYEV 1990 Ivan Sergeyevich BELOBORODOV 1984 Nikolay Vladimirovich ILYIN 1978 Dmitriy Anatolyevich KESLER 1966	Suslova Irina Aleksandrovna Vyborg	Vyborg Town Court of the Leningrad Region 05/03/2021		7,500
29.	36769/21 01/07/2021	Yevgeniy Vasilyevich GALINSKIY 1985		Sykt'yvkar Town Court of the Republic of Komi, Supreme Court of the Republic of Komi (video link) 12/02/2021	Prot. 1 Art. 3 - ineligibility to vote in or stand for elections - The applicant, a convicted prisoner serving his sentence, was unable to vote in parliamentary elections (State Duma) in September 2021	7,500
30.	37485/21 16/06/2021	Dmitriy Viktorovich KOSTYGOV 1981		Vologda Regional Court (video link) 13/05/2021		7,500
31.	37691/21 28/06/2021	Dmitriy Vladimirovich OBUKHAN 1974		Dzerzhinskiy District Court of St Petersburg (proceedings pending on the date when the application was lodged with the Court)		7,500
32.	43409/21 14/08/2021	Dalgat Israpilovich GADZHIYEV 1981	Shukhardin Valeriy Vladimirovich Moscow	Nizhniy Novgorod Regional Court (video link) (proceedings pending on the date when the application was lodged with the Court)		7,500
33.	43920/21 02/08/2021	Yevgeniy Gennadyevich DRUZHININ 1976		Kirovskiy District Court of Krasnoyarsk 24/02/2021		7,500
34.	43921/21 02/08/2021	Dmitriy Borisovich KALININ		Krasnoyarsk Regional Court 24/03/2021		7,500

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		1981				
35.	44382/21 13/08/2021	Gor Saakovich ZOGHABYAN 1986		Syktyvkar Town Court of the Republic of Komi, Supreme Court of the Republic of Komi (video link) 31/05/2021		7,500
36.	49802/21 05/11/2021	Roman Sergeyevich SKRYABIN 1984		Cherepanovskiy District Court of the Novosibirsk Region, Novosibirsk Regional Court (video link) (proceedings pending on the date when the application was lodged with the Court)		7,500
37.	14136/22 17/02/2022	Roman Ruslanovich DEREVENKO 1996	Gurenko Vitaliy Sergeyevich Krasnoyarsk	Tsentralniy District Court of Krasnoyarsk (proceedings pending on the date when the application was lodged with the Court)		7,500
38.	14876/22 25/02/2022	Kirill Aleksandrovich YUSHIN 2005		Pervomayskiy District Court of Novosibirsk 25/08/2021		7,500
39.	15083/22 02/03/2022	Nikolay Vladimirovich MOROZOV 1986		Syktyvkar Town Court of the Republic of Komi (video link) (proceedings pending on the date when the application was lodged with the Court)		7,500
40.	15431/22 04/03/2022	Ivan Mikhaylovich PLAMADYALA 1987		Justice of the Peace of the Petrozavodskiy Court Circuit of Syvtyrkar, the Republic of Komi 30/12/2021		7,500
41.	15966/22 25/02/2022	Andrey Anatolyevich PROTASOV 1980	Kavkazkiy Nikolay Yuryevich Moscow	Sixth Appellate Court of General Jurisdiction 26/08/2021		7,500
42.	16182/22 02/03/2022	Stanislav Vyacheslavovich PINIGIN		Yoshkar-Ola Town Court of the Republic of Mariy El, Supreme Court of the Republic of Mariy El, Sixth Appellate Court (video link)	Art. 3 - inadequate conditions of detention during transport - transit cell - TPP-7 IK-19 Kazan from 23/09/2021 to 03/10/2021;	8,500

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		1985		18/01/2022	van on 3/10/2021 during 17 hours train on 12/10/2021: Specific grievances: applicant transported on numerous occasions, overcrowding, lack of privacy for toilet, no or restricted access to toilet, lack of or insufficient quantity of food, handcuffing during escort.	
43.	16386/22 09/03/2022	Ruslan Rodionovich KHAMATDINOV 1995	Drobyshev Oleg Petrovich St Petersburg	Kalininskiy District Court of St Petersburg 19/11/2021		7,500
44.	16581/22 03/03/2022	Roman Valeryevich MOROZOV 1980		Syktvydinskiy District Court of the Republic of Komi 02/12/2021		7,500
45.	17382/22 17/02/2022	Akhmad Ibodullokhodzhayevich SULTONOV 1983		Kalininsky District Court of St Petersburg, St Petersburg City Court (video link) 20/12/2021		7,500
46.	18105/22 11/03/2022	Domennika Aleksandrovna BOYARINTSEVA 1982		Syktvykar Town Court of the Republic of Komi, Supreme Court of the Republic of Komi (video link) 20/09/2021		7,500

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