



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

THIRD SECTION

CASE OF DEGTYAREV AND OTHERS v. RUSSIA

*(Applications nos. 19573/21 and 10 others –
see appended list)*

JUDGMENT

STRASBOURG

16 January 2025

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

In the case of Degtyarev and Others v. Russia,

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

Diana Kovatcheva, *President*,

Úna Ní Raifeartaigh,

Mateja Đurović, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 5 December 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 of the inadequate conditions of detention under strict imprisonment regime. They also raised other complaints under the provisions of the Convention and its Protocol.

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 ARTICLE 3 OF THE CONVENTION

7. The applicants complained principally of the inadequate conditions of detention under strict imprisonment regime. They relied, expressly or in substance, on Article 3 of the Convention.

8. The general principles regarding the prohibition of torture or inhuman or degrading treatment or punishment in the context of deprivation of liberty, as guaranteed by Article 3 of the Convention, have been stated in a number of the Court's previous judgments (see, among many other authorities, *Muršić v. Croatia* [GC], no. 7334/13, §§ 96-100, 20 October 2016, and *Harakchiev and Tolumov v. Bulgaria*, nos. 15018/11 and 61199/12, § 199, ECHR 2014 (extracts)).

9. In the leading case of *N.T. v. Russia*, no. 14727/11, 2 June 2020, the Court already found a violation in respect of issues similar to those in the present case.

10. 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' rights were violated as a result of the inadequate conditions of detention under strict imprisonment regime.

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

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

12. The applicant in application no. 19573/21 submitted other complaint which also raised an issue under Article 3 of Protocol No. 1, given the relevant well-established case-law of the Court (see appended table). This complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor is it inadmissible on any other ground. Accordingly, it must be declared admissible. Having examined all the material before it, the Court concludes that it also discloses a violation of the Protocol in the light of its findings in *Anchugov and Gladkov v. Russia*, nos. 11157/04 and 15162/05, §§ 47-112, 4 July 2013, regarding automatic and indiscriminate ban on convicted prisoners' voting rights.

V. REMAINING COMPLAINTS

13. The applicants further raised the issue of the lack of effective remedies under Article 13 of the Convention in respect of their complaints. Having regard to the facts of the case, the submissions of the parties, and its findings above, the Court considers that it has dealt with the main legal questions

raised by the applicants and that there is no need to examine this complaint (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014, and *Ionov and Klimenko v. Russia* [Committee], nos. 9289/15 33932/17, § 11, 30 March 2023).

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, *N.T.*, cited above, § 61), the Court considers it reasonable to award the sums indicated in the appended table and dismisses the remainder of the applicants' claims for just satisfaction.

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 concerning the inadequate conditions of detention under strict imprisonment regime and ban on prisoners' voting rights admissible and *decides* that it is not necessary to examine separately the complaints about the lack of effective remedies related to these grievances;
4. *Holds* that these applications disclose a breach of Article 3 of the Convention concerning the inadequate conditions of detention under strict imprisonment regime;
5. *Holds* that there has been a violation of Article 3 of Protocol No. 1 as regards the other complaint raised under the well-established case-law of the Court (see appended table);
6. *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;

7. *Dismisses* the remainder of the applicants' claims for just satisfaction.

Done in English, and notified in writing on 16 January 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Diana Kovatcheva
President

APPENDIX

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

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility	Start and end date of detention under strict regime	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.	19573/21 05/03/2021	Aleksandr Anatolyevich DEGTYAREV 1988		IK-18 Yamalo-Nenets Autonomous Region	20/12/2010 and ongoing on the date when the application was lodged with the Court	Prot. 1 Art. 3 - ineligibility to vote in or stand for elections – impossibility for the applicant to vote in the State Duma (parliamentary) elections on 13/09/2020 due to the blanket constitutional ban on electoral rights of convicts	3,000
2.	42889/21 02/08/2021	Grigoriy Vasilyevich AKOPYAN 1977		IK-2 Perm Region	08/08/2004 and ongoing on the date when the application was lodged with the Court		3,000
3.	50355/21 23/09/2021	Aleksandr Leonidovich ZYKOV 1963		IK-6 Orenburg Region; K-6 Khabarovsk Region	22/03/2002 and ongoing as of the date of lodging the application		3,000
4.	53118/21 20/06/2022	Dokka Sulumbekovich DZHANTEMIROV 1974		IK-18 Yamalo-Nenets Autonomous Region	29/06/2009 and ongoing on the date when the application was lodged with the Court		3,000

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5.	58243/21 29/10/2021	Andrey Anatolyevich YUDIN 1970		IK-18 Yamalo-Nenets Autonomous Region	21/07/2006 and ongoing on the date when the application was lodged with the Court		3,000
6.	58812/21 24/10/2021	Arbi Khamzatovich DANDAYEV 1974	Dandayev Mukhammaz Arbiyevich Grozny	IK-6 Khabarovsk Region	17/04/2019 and ongoing on the date when the application was lodged with the Court		3,000
7.	3016/22 23/12/2021	Radzhu Khamzanovich KANTAYEV 1982		IK-2 Perm Region	28/06/2005 and ongoing on the date when the application was lodged with the Court		3,000
8.	3826/22 08/12/2021	Konstantin Nikolayevich BREZGIN 1971		IK-6 Orenburg Region; IK-6 Khabarovsk Region	01/08/2001 and ongoing on the date when the application was lodged with the Court		3,000
9.	7117/22 14/12/2021	Aleksey Valeryevich MIKHAYLOV 1972		IK-2 Perm Region	13/10/1995 and ongoing on the date when the application was lodged with the Court		3,000
10.	37072/22 14/07/2022	Roman Yevgenyevich SHAGOV 1972		IK-2 Perm Region	25/10/1999 and ongoing on the date when the application was lodged with the Court		3,000

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11.	40389/22 10/07/2022 (4 applicants)	Sergey Nikolayevich KALININ 1971 Pavel Sergeyevich CHERKASOV 1984 Denis Aleksandrovich KARAKOV 1982 Petr Aleksandrovich TARASOV 1988	Gaynutdinova Yuliya Sergeyevna Kazan	IK-6 Khabarovsk Region	23/08/2020 and ongoing on the date when the application was lodged with the Court (Mr Kalinin) 26/04/2018 and ongoing on the date when the application was lodged with the Court (Mr Cherkasov) 15/05/2020 and ongoing on the date when the application was lodged with the Court (Mr Karakov) 01/04/2018 and ongoing on the date when the application was lodged with the Court (Mr Tarasov)		3,000

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