



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

THIRD SECTION

CASE OF KARAVAYEV AND OTHERS v. RUSSIA

*(Applications nos. 26888/21 and 34 others –
see appended list)*

JUDGMENT

STRASBOURG

7 November 2024

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

In the case of Karavayev and Others v. Russia,

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

Ioannis Ktistakis, *President*,

Oddný Mjöll Arnardóttir,

Diana Kovatcheva, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 10 October 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 permanent video surveillance of detainees in pre-trial or post-conviction detention facilities. 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 ARTICLE 8 § 1 OF THE CONVENTION

7. The applicants complained principally of the permanent video surveillance of detainees in pre-trial or post-conviction detention facilities. They relied, expressly or in substance, on Article 8 of the Convention.

8. The Court has already established, in an earlier case against Russia, that the national legal framework governing the placement of detainees under permanent video surveillance in penal institutions falls short of the standards set out in Article 8 of the Convention (see *Gorlov and Others v. Russia*, nos. 27057/06 and 2 others, 2 July 2019). In *Gorlov and Others*, the Court summed up the general principles concerning the detainees' right to respect for private life reiterating that placing a person under permanent video surveillance whilst in detention was to be regarded as a serious interference with the individual's right to respect for his or her privacy (*ibid.*, §§ 81-82). It has further concluded that the national law cannot be regarded as being sufficiently clear, precise or detailed to have afforded appropriate protection against arbitrary interference by the authorities with the detainees' right to respect of their private life (*ibid.*, §§ 97-98).

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. It considers, regard being had to the case-law cited above, that in the instant case the placement of the applicants under permanent video surveillance when confined to their cells in pre-trial and post-conviction detention facilities was not "in accordance with law".

10. These complaints are therefore admissible and disclose a breach of Article 8 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, given the relevant well-established case-law of the Court (see the 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. Having examined all the material before it, the Court concludes that they also disclose violations of the Convention in the light of its well-established case-law (see *Idalov v. Russia* [GC], no. 5826/03, §§ 103-08 and 154-58, 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 the lack of an effective remedy in that respect; *Sergey Babushkin v. Russia*, no. 5993/08, 28 November 2013, concerning inadequate conditions of post-conviction detention and the lack of an

effective remedy in that respect; *Gorlov and Others*, cited above, concerning the absence of an effective domestic remedy to complain about permanent video surveillance in detention facilities and *Anchugov and Gladkov v. Russia*, nos. 11157/04 and 15162/05, 4 July 2013, concerning prisoners' right to vote).

V. APPLICATION OF ARTICLE 41 OF THE CONVENTION

12. Regard being had to the documents in its possession and to its case-law (see, in particular, *Gorlov and Others*, cited above, § 120, with further references, which imposed on the respondent State a legal obligation, under Article 46 of the Convention, to implement, under the supervision of the Committee of Ministers, such measures as they consider appropriate to secure the right of the applicants and other persons in their position to respect of their private life; and also *Anchugov and Gladkov*, cited above), the Court considers that the finding of a violation constitutes in itself a sufficient just satisfaction, as regards the complaints related to the permanent video surveillance in detention facilities, lack of an effective remedy in that respect and a violation of the right to vote in legislative elections. The Court further considers it reasonable to award the sums indicated in the appended table to the applicants in applications nos. 57734/21 and 59550/21.

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 applications admissible;
4. *Holds* that these applications disclose a breach of Article 8 of the Convention concerning the permanent video surveillance of detainees in pre-trial or post-conviction detention facilities;
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 the appended table);
6. *Holds* that the finding of a violation constitutes in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicants, as regards the complaints under Articles 8 and 13 of the Convention about the permanent video surveillance in detention facilities and lack of domestic remedies in that regard, as well as under Article 3 of

Protocol No. 1 related to the complaints about prisoners' inability to vote in legislative elections;

7. *Holds*

- (a) that the respondent State is to pay the applicants in applications nos. 57734/21 and 59550/21, 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 7 November 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Ioannis Ktistakis
President

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APPENDIX

List of applications raising complaints under Article 8 § 1 of the Convention
(permanent video surveillance of detainees in pre-trial or post-conviction detention facilities)

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Detention facility	Period of detention	Specific circumstances	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.	26888/21 03/04/2021	Andrey Andreyevich KARAVAYEV 1992		IK-37 Perm Region	30/06/2020 – pending as of 16/09/2022	detention in different cells with video surveillance, opposite-sex operators	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities	Finding of a violation will constitute sufficient just satisfaction
2.	27026/21 12/05/2021	Dmitriy Sergeyevich FIKERT 1994		SIZO-2 Moscow Region, Settlement colony no. 3 Smolensk Region, Settlement colony no. 3 Kaluga Region	12/10/2017 – 10/12/2021	opposite-sex operators, detention in different cells with video surveillance	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities	Finding of a violation will constitute sufficient just satisfaction
3.	27471/21 13/05/2021	Viktor Vladimirovich ZHILINSKIY 1989		IK-5 Krasnoyarsk Region	24/02/2016 – 04/09/2021	opposite-sex operators, detention in different cells with video surveillance	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities	Finding of a violation will constitute sufficient just satisfaction
4.	28688/21 17/05/2021	Gennadiy Mingishevich KHABBASOV 1973		IK-6 Khabarovsk Region	09/12/2017 – pending as of 16/09/2022	video surveillance in a lavatory and/or shower room, opposite-sex operators	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities	Finding of a violation will constitute sufficient just satisfaction
5.	29365/21 30/09/2021	Nikolay Aleksandrovich ISTOMIN 1989		IK-5 Krasnoyarsk Region	09/03/2021 – 03/02/2022	opposite-sex operators	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities	Finding of a violation will constitute sufficient just satisfaction

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No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Detention facility	Period of detention	Specific circumstances	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
6.	29388/21 19/05/2021	Ivan Ivanovich KRIVOSHCHEKOV 1972	Yevenko Alla Borisovna Novokuznetsk	IK-6 Orenburg Region	21/11/2002 – pending as of 16/09/2022	detention in different cells with video surveillance	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities	Finding of a violation will constitute sufficient just satisfaction
7.	30169/21 12/05/2021	Murat Magomedovich KANIKHOV 1977		IK-5 Krasnoyarsk Region	29/01/2010-16/02/2021	detention in different cells with video surveillance, opposite-sex operators		Finding of a violation will constitute sufficient just satisfaction
8.	44188/21 20/08/2021	Valeriy Anatolyevich MACHULA 1976		IK-25 Komi Republic	17/12/2017 – pending as of 16/09/2022	opposite-sex operators, detention in different cells with video surveillance, video surveillance in a lavatory and/or shower room	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities	Finding of a violation will constitute sufficient just satisfaction
9.	45666/21 17/08/2021	Andrey Vladimirovich UPRITSKIY 1988		IK-42 Krasnoyarsk Region	02/10/2019 - 18/02/2021	opposite-sex operators, video surveillance in a dormitory	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities	Finding of a violation will constitute sufficient just satisfaction
10.	46238/21 27/08/2021	Pavel Vasilyevich KUZIVANOV 1997		IK-25 Komi Republic	29/05/2018 – pending as of 16/09/2022	detention in different cells with video surveillance, opposite-sex operators, video surveillance in a lavatory and/or shower room	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities	Finding of a violation will constitute sufficient just satisfaction
11.	46375/21 31/08/2021	Valeriy Pavlovich PERMYAKOV 1996		IK-6 Khabarovsk Region, IK-18 Yamalo-Nenetskiy Region	06/06/2017- pending as of 16/09/2022	opposite-sex operators	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities	Finding of a violation will constitute sufficient just satisfaction
12.	46751/21 03/09/2021	Igor Yuryevich KOSTIN 1984		IK-25 Komi Republic	15/01/2015- pending as of 16/09/2022	video surveillance in a lavatory and/or shower room, detention in different cells with video surveillance, opposite-sex operators	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities,	Finding of a violation will constitute sufficient just satisfaction

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							Prot. 1 Art. 3 - ineligibility to vote in or stand for elections - The applicant was unable to vote in the elections to the State Duma (Parliament) in 2021.	
13.	46942/21 25/08/2021	Andrey Nikolayevich KOZLYUK 1984		IK-25 Komi Republic (punishment cells)	11/01/2016-02/07/2021	detention in different cells with video surveillance, opposite-sex operators, video surveillance in the punishment cell	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities	Finding of a violation will constitute sufficient just satisfaction
14.	47507/21 10/09/2021	Pavel Leonidovich KRAVCHENKO 1989		IK-25 Komi Republic	09/02/2019 – pending as of 16/09/2022	detention in different cells with video surveillance, opposite-sex operators	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities	Finding of a violation will constitute sufficient just satisfaction
15.	47830/21 24/08/2021	Yevgeniy Sergeyevich ROGACHEV 1978		IK-5 Krasnoyarsk Region	31/08/2018 – pending as of 16/09/2022	opposite-sex operators	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities	Finding of a violation will constitute sufficient just satisfaction
16.	47831/21 29/06/2021	Rashid Bekmurzayevich IBRAGIMOV 1986		IK-5 Krasnoyarsk Region	June 2019 – 18/03/2022	opposite-sex operators	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities	Finding of a violation will constitute sufficient just satisfaction
17.	47832/21 20/08/2021	Vyacheslav Sergeyevich PILIPENKO 1982		LIU-1 Tomsk Region	15/12/2017 - 11/12/2021			Finding of a violation will constitute sufficient just satisfaction
18.	49484/21 16/09/2021	Ilya Sergeyevich MAKAVKIN 1991		IK-25 Komi Republic	09/03/2017 – pending as of 16/09/2022	detention in different cells with video surveillance, opposite-sex operators, video surveillance in a lavatory and/or shower room	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities	Finding of a violation will constitute sufficient just satisfaction

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No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Detention facility	Period of detention	Specific circumstances	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
19.	57473/21 30/09/2021	Sergey Vladislavovich SOKOLOV 1992		IK-29 Kirov Region	28/05/2017 – pending as of 16/09/2022	detention in different cells with video surveillance, opposite-sex operators, video surveillance in a lavatory and/or shower room	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities	Finding of a violation will constitute sufficient just satisfaction
20.	57734/21 27/09/2021	Artem Ivanovich BURMISTROV 1989		Settlement colony no. 10 Irkutsk Region	23/09/2021 – pending as of 16/09/2022	opposite-sex operators	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities and in respect of inadequate conditions of detention during transport, Art. 3 - inadequate conditions of detention during transport - van, 22/09/2021-23/09/2021, passive smoking, no or restricted access to potable water, no or restricted access to warm water, no or restricted access to toilet, overcrowding	1,000
21.	58690/21 22/10/2021	Pavel Pavlovich ROCHEV 1975		IK-25 Komi Republic, solitary confinement cells	28/11/2016 – pending as of 16/09/2022	detention in different cells with video surveillance, opposite-sex operators	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities	Finding of a violation will constitute sufficient just satisfaction
22.	59550/21 24/02/2021	Roman Alekseyevich BAZYLEV 1976		IK-29 Kirov Region	27/04/2017 – pending as of 16/09/2022	detention in different cells with video surveillance	Art. 3 - inadequate conditions of detention after conviction - IK-29 Kirov Region, 27/04/2017 – pending as of 16/09/2022, 2.5 sq. m. of personal space per inmate, overcrowding, lack of or insufficient natural light, lack of fresh air, passive smoking, lack of or inadequate hygienic facilities, poor quality of potable water, lack of or insufficient physical exercise in fresh air, Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities and in respect of inadequate conditions of detention	11,250

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23.	60367/21 17/11/2021	Aleksandr Anatolyevich KRAPIVA 1997		IK-25 Komi Republic	28/09/2017 – pending as of 16/09/2022	detention in different cells with video surveillance, video surveillance in a lavatory and/or shower room, opposite-sex operators	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities	Finding of a violation will constitute sufficient just satisfaction
24.	61666/21 30/11/2021	Denis Nikolayevich PANYUKOV 1998		IK-25, Komi Republic	21/05/2018 – pending as of 16/09/2022	detention in different cells with video surveillance, opposite-sex operators, video surveillance in a lavatory and/or shower room	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities	Finding of a violation will constitute sufficient just satisfaction
25.	16194/22 02/03/2022	Georgiy Mikhaylovich KANEV 1986		IK-25 Komi Republic	27/06/2018 – pending as of 16/09/2022	detention in different cells with video surveillance, video surveillance in punishment cells, opposite-sex operators, video surveillance in a lavatory and/or shower room	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities, Prot. 1 Art. 3 - ineligibility to vote in or stand for elections - the applicant was unable to vote in the elections to the State Duma on 19/09/2021	Finding of a violation will constitute sufficient just satisfaction
26.	17112/22 25/02/2022	Dmitriy Vladimirovich VAPPER 1996		IK-21 Arkhangelsk Region	11/03/2021 - 31/10/2021	opposite-sex operators, video surveillance in a lavatory and/or shower room	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities	Finding of a violation will constitute sufficient just satisfaction
27.	18094/22 17/03/2022	Yuriy Viktorovich KURIGANOV 1975		KP-10 Irkutsk Region	24/11/2021 - 05/05/2022	opposite-sex operators, video surveillance in a lavatory and/or shower room	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities	Finding of a violation will constitute sufficient just satisfaction
28.	19395/22 23/03/2022	Yevgeniy Ivanovich BAKUMENKO 1993		FKU Krasnoyarsk Region, (prison)	01/12/2021 – pending as of 16/09/2022	opposite-sex operators	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities	Finding of a violation will constitute sufficient just satisfaction
29.	20676/22 10/01/2022	Dmitriy Aleksandrovich TYRINOV 1980		IK-8 Komi Republic	03/03/2017 – pending as of 16/09/2022	opposite-sex operators, video surveillance in a lavatory and/or shower room	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities	Finding of a violation will constitute sufficient just satisfaction

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30.	24955/22 22/04/2022	Sergey Mikhaylovich DAVYDOV 1965		IK-6 Khabarovsk Region	26/11/2017- pending as of 16/09/2022	detention in different cells with video surveillance		Finding of a violation will constitute sufficient just satisfaction
31.	25797/22 17/02/2022	Sergey Sergeyevich GUSHCHIN 1980		IK-29 Kirov Region, LIU-12 Kirov Region	09/04/2014 – pending as of 16/09/2022	detention in different cells with video surveillance, opposite-sex operators, video surveillance in a lavatory and/or shower room	Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities	Finding of a violation will constitute sufficient just satisfaction
32.	28673/22 22/05/2022	Eduard Gagikovich KHACHATRYAN 1984		IK-6 Kirov Region	11/03/2021- 19/12/2021	detention in different cells with video surveillance		Finding of a violation will constitute sufficient just satisfaction
33.	34959/22 10/05/2022	Yekaterina Igorevna SINCHENKO 1989		IK-28 Khakassia Republic	09/10/2020 – pending as of 16/09/2022	opposite-sex operators		Finding of a violation will constitute sufficient just satisfaction
34.	44577/22 18/02/2022	Sergey Viktorovich KOFANOV 1981		IK-5 Krasnoyarsk Region	01/10/2018 - 11/02/2022	detention in different cells with video surveillance, opposite-sex operators, video surveillance in a lavatory and/or shower room		Finding of a violation will constitute sufficient just satisfaction
35.	45579/22 05/09/2022	Mariya Sergeyevna MIKHLIK 1982 Yaroslav Sergeyevich MIKHLIK 1990		Settlement colony no. 31 Khakasiya Republic (first applicant), IK-42 Krasnoyarsk Region (second applicant)	25/02/2022 – pending as of 16/09/2022	opposite-sex operators, detention in different cells with video surveillance		Finding of a violation will constitute sufficient just satisfaction

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