



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

## FOURTH SECTION

### **CASE OF KISLOV AND OTHERS v. RUSSIA**

*(Applications nos. 20864/18 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 Kislov 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 of the inadequate conditions of their detention. 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 3 OF THE CONVENTION

7. The applicants complained principally of the inadequate conditions of their detention. They relied on Article 3 of the Convention.

8. The Court notes that the applicants were kept in detention in poor conditions. The details of the applicants' detention are indicated in the appended table. The Court refers to the principles established in its case-law regarding inadequate conditions of detention (see, for instance, *Muršić v. Croatia* [GC], no. 7334/13, §§ 96-101, ECHR 2016). It reiterates in particular that a serious lack of space in a prison cell weighs heavily as a factor to be taken into account for the purpose of establishing whether the detention conditions described are "degrading" from the point of view of Article 3 and may disclose a violation, both alone or taken together with other shortcomings (see *Muršić*, cited above, §§ 122-41, and *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, §§ 149-59, 10 January 2012).

9. In the leading case of *Sergey Babushkin v. Russia*, no. 5993/08, 28 November 2013, 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' conditions of detention were inadequate.

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. 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 *Sergey Babushkin*, cited above, concerning the lack of an effective remedy in respect of the complaint about inadequate conditions of post-conviction detention; *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 the lack of an effective remedy in that respect; *Reshetnyak v. Russia*, no. 56027/10, 8 January 2013, concerning the authorities' failure to ensure adequate medical assistance to seriously ill prisoners and to provide

them with effective remedies in respect of the relevant complaints; *S.P. and Others v. Russia*, nos. 36463/11 and 10 others, 2 May 2023, concerning inhuman and degrading treatment of detainees on account of their subordinate status as “outcast” prisoners in an unofficial prisoner hierarchy and the authorities failure to take action in that respect; *Gorlov and Others v. Russia*, nos. 27057/06 and 2 others, 2 July 2019, concerning permanent video surveillance of detainees; and *Anchugov and Gladkov v. Russia*, nos. 11157/04 and 15162/05, 4 July 2013, concerning prisoners’ right to vote).

13. In view of the above findings, the Court considers that there is no need to deal separately with the remaining complaints lodged by Mr Kislov under Articles 13 and 14 of the Convention (application no. 20864/18).

## V. 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, *Sergey Babushkin v. Russia* (just satisfaction), no. 5993/08, 16 October 2014, and *Mozharov and Others v. Russia*, nos. 16401/12 and 9 others, 21 March 2017), the Court 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 applications admissible;
4. *Holds* that these applications disclose a breach of Article 3 of the Convention concerning the inadequate conditions of detention after conviction;
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 it is not necessary to examine separately the remaining complaints raised by Mr Kislov in application no. 20864/18;
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

KISLOV AND OTHERS v. RUSSIA JUDGMENT

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 during the default period plus three percentage points.

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

## KISLOV AND OTHERS v. RUSSIA JUDGMENT

## APPENDIX

List of applications raising complaints under Article 3 of the Convention  
(inadequate conditions of detention after conviction)

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility Start and end date Duration	Inmates per brigade Sq. m per inmate Number of toilets per brigade	Specific grievances	Domestic award (in euros); final court decision	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) <sup>1</sup>
1.	20864/18 15/06/2018	<b>Nikolay Yuryevich KISLOV</b> 1989		IK-5 Krasnoyarsk Region  27/03/2016 to 11/11/2020 4 year(s) and 7 month(s) and 16 day(s)	110 inmate(s) 2.1-2.5 m <sup>2</sup> 4 toilet(s)	overcrowding, mouldy or dirty cell, inadequate temperature, lack of or insufficient electric light, insufficient number of toilets and wash basins, lack of privacy for toilet, lack of fresh air, poor quality of food, lack or insufficient quantity of food, insufficient space of the TV and dining rooms		<p>Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention, conditions of detention during transport,</p> <p>Art. 3 - inadequate conditions of detention during transport - transfer for 2 hours on 30/10/2020 from IK-5 Krasnoyarsk Region to Transit Unit of IK-6 Krasnoyarsk Region by van; overcrowding, no or restricted access to potable water, no or restricted access to toilet, lack of fresh air; 0.3 sq. m; transfer on 04/10/2021 by train – 10 inmates held in the compartment; the transfer lasted 15 hours; no individual sleeping place; restricted access to toilet,</p> <p>Art. 8 (1) - permanent video surveillance of detainees in pre-trial or post-conviction detention facilities - from 11/09/2021 in SIZO-1 Krasnoyarsk, IK-5 and IK-6 Krasnoyarsk Region, UKP-31 and KP-41 (detention in different cells with video surveillance, opposite-sex operators),</p> <p>Art. 3 - inhuman and degrading treatment of "outcast" inmates as a result of segregation, humiliating practices and</p>	13,300

KISLOV AND OTHERS v. RUSSIA JUDGMENT

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility Start and end date Duration	Inmates per brigade Sq. m per inmate Number of toilets per brigade	Specific grievances	Domestic award (in euros); final court decision	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) <sup>1</sup>
								abuse in their daily life while in detention, heightened risk of inter-prisoner violence (prison hierarchy) - The applicant complained of the informal hierarchy in detention facilities since 11/09/2021 (SIZO-1 in Krasnoyarsk, IK-5 and IK-6 in Krasnoyarsk Region, UKP-31, KP-41 ) and his poor treatment by his inmates and personnel of the detention facilities because of his status as "red" (вязанный). On multiple occasions he was forced to clean cells and other prison premises; he was prevented from using the same facilities as his inmates belonging to the privileged group of prisoners (was not allowed to eat at the allocated place, could not watch TV when the "men" were there etc.).	
2.	44775/18 06/08/2018	<b>Vugar Salekhovich GUMBATOV</b> 1987		IK-23 Irkutsk Region  18/01/2018 to 04/01/2019 11 month(s) and 18 day(s)	100 inmate(s) 10 toilet(s)	overcrowding, no or restricted access to warm water, no or restricted access to shower, lack of or inadequate hygienic facilities, insufficient number of wash basins, lack of privacy for toilet		Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention and conditions of transport,  Art. 3 - inadequate conditions of detention during transport - Transfer to the colony by van from 14/11/2018 to 17/11/2018 (two transfers, each lasted about 11 hours): overcrowding, no or restricted access to toilet	6,100
3.	6166/19 27/12/2018	<b>Ivan Anatolyevich NIKITIN</b> 1981	Kulakov Yevgeniy Valeryevich Arkhangelsk	IK-1 Arkhangelsk  08/12/2011 to 28/09/2019 7 year(s) and 9 month(s) and 21 day(s)	80 inmate(s) 5 toilet(s)	lack of privacy for toilet, overcrowding, infestation of cell with insects/rodents, inadequate temperature	223  Supreme Court of the Russian Federation, 17/01/2022	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention	7,300



KISLOV AND OTHERS v. RUSSIA JUDGMENT

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility Start and end date Duration	Inmates per brigade Sq. m per inmate Number of toilets per brigade	Specific grievances	Domestic award (in euros); final court decision	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) <sup>1</sup>
4.	1647/20 16/12/2019	<b>Vitaliy Aleksandrovich NAZARENKO</b> 1982		IK-5 Krasnoyarsk Region  23/04/2015 to 13/09/2019 4 year(s) and 4 month(s) and 22 day(s)	100 inmate(s) 3.2-3.8 m <sup>2</sup> 4 toilet(s)	lack of privacy for toilet, lack of or restricted access to leisure or educational activities, lack or inadequate furniture, no or restricted access to running water, no or restricted access to toilet		Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention	5,000
5.	2936/20 10/12/2019	<b>Eduard Viktorovich LAPSHOV</b> 1983		IK-25 Komi Republic  07/11/2014 to 18/04/2022 7 year(s) and 5 month(s) and 12 day(s)	150 inmate(s)	bunk beds, overcrowding, no or restricted access to warm water, lack of fresh air, lack of or insufficient natural light		Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention,  Prot. 1 Art. 3 - ineligibility to vote in or stand for elections - inability to vote (elections to the State Duma of 17-19/09/2021) because the applicant is the prisoner;	12,300
6.	13817/20 26/02/2020	<b>Denis Gennadyevich KONSTANTINOV</b> 1988	Konstantinova Valeriya Alekseyevna Dolgoprudnyy	FKU-T Ulyanovsk Region  26/01/2018 pending More than 5 year(s) and 2 month(s) and 30 day(s)	3.25 m <sup>2</sup>	overcrowding, mouldy or dirty cell, lack of or insufficient physical exercise in fresh air, lack of or inadequate hygienic facilities, lack of clothes, lack of fresh air, inadequate temperature, lack of or insufficient quantity of food, lack of or insufficient natural light, lack of or insufficient			12,500

KISLOV AND OTHERS v. RUSSIA JUDGMENT

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility Start and end date Duration	Inmates per brigade Sq. m per inmate Number of toilets per brigade	Specific grievances	Domestic award (in euros); final court decision	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) <sup>1</sup>
						electric light, constant water leaks			
7.	49513/21 21/09/2021	<b>Dmitriy Aleksandrovich PASHIYEV</b> 1990		IK-10 Yekaterinburg  02/03/2015 to 02/07/2019 4 year(s) and 4 month(s) and 1 day(s)	1.1-1.6 m <sup>2</sup>	overcrowding, no or restricted access to toilet, no or restricted access to running water, lack of or insufficient physical exercise in fresh air, lack of privacy for toilet, no or restricted access to warm water, poor quality of food, lack or insufficient quantity of food, lack of requisite medical assistance	549  Supreme Court of the Russian Federation, 04/08/2021	Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention	4,500
8.	14034/22 17/02/2022	<b>Ivan Borisovich KIRENKOV</b> 1987		IK-8 Komi Republic  06/06/2018 Pending as of 16/09/2022 4 year(s) and 3 month(s) and 11 day(s)	130 inmate(s) 1.4 m <sup>2</sup> 4 toilet(s)	lack of fresh air, lack of or inadequate hygienic facilities, mouldy or dirty cell, no or restricted access to shower, lack of or insufficient physical exercise in fresh air, poor quality of food		Art. 13 - lack of any effective remedy in domestic law in respect of inadequate medical treatment in detention and in respect of the conditions of post-conviction detention,  Art. 3 - inadequate medical treatment in detention - 06/06/2018 - pending as of 16/09/2022; 4 year(s) and 3 month(s) and 11 day(s); tuberculosis, HIV/AIDS, heart condition, hepatitis, lack of/delay in medical examination, lack of/delay in medical testing, lacking/delayed drug therapy	19,500

## KISLOV AND OTHERS v. RUSSIA JUDGMENT

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility Start and end date Duration	Inmates per brigade Sq. m per inmate Number of toilets per brigade	Specific grievances	Domestic award (in euros); final court decision	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) <sup>1</sup>
9.	28951/23 05/07/2023	<b>Aleksandr Nikolayevich KIRILLOV</b> 1976	Petrov Roman Nikolayevich Cheboksary	IK-11 Nizhniy Novgorod Region  13/03/2017 to 14/09/2021 4 year(s) and 6 month(s) and 2 day(s)	120 inmate(s) 1.5 m <sup>2</sup> 5 toilet(s)	infestation of cell with insects/rodents, lack of or insufficient electric light, lack of fresh air, poor quality of food	850  Supreme Court of the Russian Federation, 06/03/2023		4,200

---

<sup>1</sup> Plus any tax that may be chargeable to the applicants.