



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

SECOND SECTION

CASE OF NURLYGAYANOV AND OTHERS v. RUSSIA

*(Applications nos. 3215/20 and 6 others –
see appended list)*

JUDGMENT

STRASBOURG

11 July 2024

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

In the case of Nurlygayanov and Others v. Russia,

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

Lorraine Schembri Orland, *President*,

Frédéric Krenç,

Davor Derenčinović, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 20 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 permanent video surveillance of detainees in pre-trial or post-conviction detention facilities. They 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 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 § 1 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. The 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. 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, among other authorities, *Sergey Babushkin v. Russia*, no. 5993/08, 28 November 2013, concerning inadequate conditions of post-conviction detention; *Borodin v. Russia*, no. 41867/04, §§ 128-36, 6 November 2012, concerning placement in a solitary confinement in the remand prison, *S.P. and Others v. Russia*, nos. 36463/11 and 10 others, 2 May 2023, concerning segregation, humiliation and abuse of prisoners by fellow

inmates; *N.T. v. Russia*, no. 14727/11, §§ 42-52, 2 June 2020, concerning inadequate conditions of detention under strict imprisonment regime for lifers; *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. REMAINING COMPLAINTS

12. In view of the above findings, the Court considers that there is no need to deal separately with the remainder of the applicants' complaints.

VI. APPLICATION OF ARTICLE 41 OF THE CONVENTION

13. 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 *N.T.*, and *Anchugov and Gladkov*, both cases cited above), the Court considers that the finding of a violation constitutes sufficient just satisfaction in the present case in respect of the applicants' complaints related to the permanent video surveillance in detention facilities, lack of an effective remedy in that regard and a violation of the right to vote in legislative elections. It further considers it reasonable to award the sums indicated in the appended table to applicants in applications nos. 3215/20, 23139/21 and 22845/23.

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 8 of the Convention concerning the permanent video surveillance of detainees in pre-trial or post-conviction detention facilities and the other complaints raised under the well-established case-law of the Court (see the appended table) admissible and *finds* that there is no need to examine separately the remaining complaints;

4. *Holds* that these applications disclose a breach of Article 8 of the Convention;
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 in respect of the applicants' complaints about permanent video surveillance in detention facilities, lack of an effective domestic remedy in that regard and illegibility to vote in legislative elections;
7. *Holds*
 - (a) that the respondent State is to pay the applicants in applications nos. 3215/20, 23139/21 and 22845/23, 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 11 July 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Lorraine Schembri Orland
President

NURLYGAYANOV AND OTHERS v. RUSSIA JUDGMENT

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.	3215/20 27/12/2019	Azamat Alvertovich NURLYGAYANOV 1989		IK-1 Komi Republic	01/02/2015 pending as of 16/09/2022	opposite-sex operators	<p>Art. 3 - inhuman and degrading treatment of "outcast" inmates as a result of segregation, humiliating practices and abuse in their daily life while in detention, heightened risk of inter-prisoner violence (prison hierarchy) - The applicant has been serving a prison sentence in IK-1, Komi Republic, since February 2015. He belongs to a group of "outcast" prisoners. As a result, he is not allowed to use dishes/cutlery that might be used by other prisoners; he can use toilet/other facilities only when there are no other prisoners; he has no access to the kitchen, he cannot sit by the dining table or use kitchen equipment/utensils/dishes/cutlery. The administration of the colony is aware of the applicant's situation but takes no action in that respect,</p> <p>Art. 3 - inadequate material conditions of detention after conviction - IK-1, Komi Republic, pending as of 16/09/2022, since 01/02/2015; 1.5 sq. m of personal space, 40 inmates per dormitory, 4 toilets, overcrowding, infestation of cell with insects/rodents, lack of fresh air, lack of or inadequate hygienic facilities</p>	16,300
2.	8980/20 07/10/2020	Viktor Viktorovich OVCHINNIKOV 1991		IK-5 Krasnoyarsk Region	09/11/2018 to 12/10/2021	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.

NURLYGAYANOV AND OTHERS v. RUSSIA JUDGMENT

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
3.	20334/21 31/03/2021	Igor Andreyevich SAMARIN 1982		IK-25 Komi Republic	Pending since January 2013 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, 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 held on 19/09/2021	Finding of a violation will constitute sufficient just satisfaction.
4.	22060/21 28/07/2021	Vladimir Ilyich KOLMYKOV 1972		IK-18 Yamalo-Nenetskiy Region, IK-6 Khabarovsk Region	pending since 08/04/2005 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.
5.	29139/21 17/05/2021	Sergey Vladimirovich KHOROSHILOV 1975	Yevenko Alla Borisovna Novokuznetsk	IK-6 Khabarovsk Region	Pending since 26/08/2019 as of 16/09/2022	detention in different cells with video surveillance	Art. 3 - inadequate conditions of detention after conviction - Inadequate conditions of detention in IK-6 Khabarovsk Region since 26/08/2019 - pending as of 16/09/2022 (the applicant is confined to his cell which he shares with another inmate for 22 hours a day; 3 sq. m of personal space, constant electric light, deterioration in conditions of detention, cumulative effect of lack of physical exercise, lack of contact with the outside world and uncertainty, lack of or insufficient natural light, lack or inadequate furniture, no or restricted access to warm water), Art. 13 - lack of any effective remedy in domestic law in respect of permanent video surveillance in detention facilities	16,300
6.	62/22 22/11/2021	Aleksandr Vasilyevich SASHKOV 1959		IK-6 Khabarovsk Region	Pending since 07/10/2017 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.

NURLYGAYANOV AND OTHERS v. RUSSIA JUDGMENT

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
7.	22845/23 25/02/2023	Yuriy Anatolyevich KOZLOV 1964		IZ-1 Syktyvkar, Komi Republic, IZ-2 Sosnogorsk, Komi Republic	from 01/03/2021 to 21/09/2020 (compensation claim dismissed in the final instance by the Supreme Court of the Russian Federation on 27/01/2023)	detention in different cells with video surveillance, opposite-sex operators	Art. 3 - torture or inhuman or degrading treatment - The applicant was detained in solitary confinement from May 2012 to 15/09/2020. The domestic courts discerned no violation of the applicant's rights referring to him being a flight risk and a negative influence the applicant had on other inmates as a leader of a criminal group. The final decision on the matter was taken by the Supreme Court of the Russian Federation on 27/01/2023.	16,300

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