



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

SECOND SECTION

**CASE OF YELISEYEVA AND OTHERS v. RUSSIA**

*(Applications nos. 15304/19 and 39 others –  
see appended list)*

JUDGMENT

STRASBOURG

2 November 2023

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



**In the case of Yeliseyeva and Others v. Russia,**

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

Lorraine Schembri Orland, *President*,

Frédéric Krenc,

Davor Derenčinović, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 12 October 2023,

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 proceedings against them and/or during the administrative proceedings to which they were a party. 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 proceedings against them and/or during the 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. 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 *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 lack of an effective remedy in that respect; *Dirdizov v. Russia*, no. 41461/10, §§ 108-11, 27 November 2012, as regards unreasonably long detention on remand; *Gorlov and Others v. Russia*, nos. 27057/06 and 2 others, §§ 58-110, 2 July 2019, concerning permanent video surveillance of detainees and lack of an effective remedy in that respect; and *Anchugov and Gladkov v. Russia*, nos. 11157/04 and 15162/05, §§ 101-12, 4 July 2013, concerning ineligibility for convicted prisoners to vote in or stand for elections. It further concludes that no separate issue arises under Article 14 of the Convention in conjunction with Article 3 of Protocol No. 1 in application no. 50736/21.

#### V. APPLICATION OF ARTICLE 41 OF THE CONVENTION

13. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

14. Regard being had to the documents in its possession and to its case-law (see, in particular, *Vorontsov and Others*, cited above), 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 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 *finds* that that no separate issue arises under Article 14 of the Convention in conjunction with Article 3 of Protocol No. 1 to the Convention in application no. 50736/21;

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 2 November 2023, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina  
Acting Deputy Registrar

Lorraine Schembri Orland  
President

YELISEYEVA AND OTHERS v. RUSSIA JUDGMENT

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) <sup>1</sup>
1.	15304/19 04/03/2019	<b>Olesya Viktorovna YELISEYEVA</b> 1979	Yezerskiy Aleksey Vladimirovich Samara	Samarskiy District Court of Samara; Samara Regional Court 04/09/2018		7,500
2.	1739/20 18/12/2019	<b>Aleksey Aleksandrovich PULYALIN</b> 1986  <b>Anton Alekseyevich KOROSTELEV</b> 1987		Ukhta Town Court of the Republic of Komi date of the relevant judgment unspecified;  Supreme Court of Russia 18/06/2019 1st applicant;  Supreme Court of Russia 26/03/2020 2nd applicant;  Supreme Court of the Republic of Komi, Second Court of Appeal, Third Cassation Court 23/06/2021 2nd applicant;  Supreme Court of the Republic of Komi, Second Appeal Court, Third Cassation Court, Supreme Court of Russia 19/07/2021;		7,500

YELISEYEVA AND OTHERS v. RUSSIA JUDGMENT

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) <sup>1</sup>
				Supreme Court of the Republic of Komi 28/02/2022 1st applicant		
3.	40664/20 24/02/2021	<b>Vitaliy Valeryevich KOTCHENKO</b> 1982		Krasnoyarsk Regional Court, Fifth Appeal Court 10/06/2021		7,500
4.	50736/21 04/10/2021	<b>Ilya Mikhailovich TONKIKH</b> 2001		Syktvkar Town Court of the Republic of Komi 29/07/2021	Art. 8 (1) - permanent video surveillance of detainees in pre-trial or post-conviction detention facilities - IZ-1 Republic of Komi (detention in different cells with video surveillance, opposite-sex operators) from 06/01/2021 to 02/09/2021;  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 - Impossibility for the applicant as a prisoner to vote in elections, including elections to the lower chamber of the Russian Parliament on 19/09//2021	7,500
5.	53112/21 06/10/2021	<b>Viktor Nikolayevich SHCHEGLOV</b> 1975		Kupinskiy District Court of the Novosibirsk Region 17/05/2021		7,500



YELISEYEVA AND OTHERS v. RUSSIA JUDGMENT

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) <sup>1</sup>
6.	58425/21 28/10/2021	<b>Eduard Vyacheslavovich NIKOLAYEV</b> 1992		Sysolskiy District Court of the Republic of Komi 13/07/2021		7,500
7.	58434/21 01/11/2021	<b>Sergey Konstantinovich SHMELEV</b> 1994		Tsentralnyy District Court of Krasnoyarsk 05/07/2021		7,500
8.	58665/21 03/11/2021	<b>Anvar Urazgaleyevich KALDAMANOV</b> 1987		Onega Town Court of the Arkhangelsk Region 20/10/2021		7,500
9.	58731/21 11/11/2021	<b>Takhir Rashitovich AKHMETSHIN</b> 1976		St Petersburg Second Appellate Court 13/07/2021		7,500
10.	59214/21 11/11/2021	<b>Maksim Aleksandrovich GUSHCHIN</b> 1990		Slobodskoy District Court of the Kirov Region 29/09/2021		7,500
11.	59559/21 22/10/2021	<b>Aleksandr Ivanovich DEVYATOV</b> 1976		Argayashskiy District Court of the Chelyabinsk Region 06/08/2021		7,500
12.	59575/21 21/01/2022	<b>Anatoliy Aleksandrovich BESSONOV</b> 1991		Kirovskiy District Court of Krasnoyarsk 29/12/2021		7,500

YELISEYEVA AND OTHERS v. RUSSIA JUDGMENT

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) <sup>1</sup>
13.	59729/21 16/02/2022	<b>Nikolay Sergeyevich KLEMETS</b> 1978		Kirovskiy District Court of Krasnoyarsk 10/12/2021		7,500
14.	60502/21 20/11/2021	<b>Pavel Vladimirovich AGAFUROV</b> 1984		Leninskiy District Court of Barnaul, Altay Regional Court 30/07/2021		7,500
15.	60503/21 07/11/2021	<b>Olga Aleksandrovna LOGINOVA</b> 1995		Dzerzhinskiy District Court of Novosibirsk, Novosibirsk Regional Court 17/05/2021		7,500
16.	60504/21 17/11/2021	<b>Maksim Vadimovich TROFIMENKO</b> 1993		Dzerzhinskiy District Court of Volgograd Since 06/07/2021 - end date is unknown, placement in metal cage was ongoing on the date when the application was lodged		7,500
17.	60505/21 25/11/2021	<b>Fenil Minnereisovich SMENOV</b> 1978		Batyrevskiy District Court of the Republic of Chuvashia, Supreme Court of the Republic of Chuvashia 19/08/2021		7,500
18.	60844/21 29/11/2021	<b>Aleksandr Anatolyevich ARTEYEV</b> 1970		Supreme Court of the Republic of Komi 31/05/2021		7,500
19.	61017/21 25/02/2022	<b>Nikita Sergeyevich FEDOROV</b> 1998		Pervomayskiy District Court of Kirov 17/02/2022		7,500

YELISEYEVA AND OTHERS v. RUSSIA JUDGMENT

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) <sup>1</sup>
20.	61023/21 17/02/2022	<b>Yevgeniy Vladimirovich KUZMINYKH</b> 1982		Sovetsk Town Court of the Kirov Region 13/12/2021		7,500
21.	61081/21 29/11/2021	<b>Vitaliy Valentinovich OVCHINNIKOV</b> 1969		Oktyabrskiy District Court of Arkhangelsk 24/08/2021		7,500
22.	61378/21 27/11/2021	<b>Aleksandr Leonidovich SAFRONOV</b> 1974		Dzerzhinskiy District Court of Novosibirsk 28/07/2021		7,500
23.	61384/21 23/11/2021	<b>Anton Alekseyevich MOKROUSOV</b> 1980		Leninskiy District Court of Novosibirsk, Novosibirsk Regional Court 15/06/2021		7,500
24.	61390/21 30/11/2021	<b>Maksim Vladimirovich SHADRIN</b> 1990		Dzerzhinskiy District Court of Novosibirsk 29/07/2021  Novosibirsk Regional Court 13/09/2021		7,500
25.	61592/21 07/12/2021	<b>Nikolay Nikolayevich BOGOLYUBOV</b> 2000	Korneyev Aleksey Igorevich Bryansk	Leninskiy District Court of Kursk 24/06/2021		7,500
26.	61654/21 04/12/2021	<b>Faridun Yatimovich DOSTIYEV</b> 1991		Trusovskoy District Court of Astrakhan, Leninskiy District Court of Astrakhan, Astrakhan Regional Court 08/09/2021		7,500

YELISEYEVA AND OTHERS v. RUSSIA JUDGMENT

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) <sup>1</sup>
27.	111/22 22/11/2021	<b>Roman Nikolayevich STARKOV</b> 1993		Justice of the Peace of the 70-th Judicial District of Kirov 03/08/2021		7,500
28.	179/22 13/12/2021	<b>Denis Aleksandrovich RYZHOV</b> 1987		Supreme Court of the Republic of Komi 15/06/2021	Art. 3 - inadequate conditions of detention during transport - van, train, from 28/10/2021 to 20/12/2021, 0.2-0.4 sq. m. of personal space, overcrowding, lack of fresh air, insufficient number of sleeping places, no or restricted access to toilet;  Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention during transport	8,500
29.	180/22 07/12/2021	<b>Denis Vladimirovich FADEYEV</b> 2000		Kazan Garrison Military Court 21/06/2021	Art. 8 (1) - permanent video surveillance of detainees in pre-trial or post-conviction detention facilities - IZ-1 Republic of Tatarstan, 13/03/2021-16/07/2021, detention in different cells with video surveillance, opposite-sex operators	7,500
30.	466/22 30/11/2021	<b>Aleksey Alekseyevich DYUZHEV</b> 1988	Polonskiy Aleksandr Viktorovich Volgograd	Dzerzhinskiy District Court of Volgograd 25/10/2021		7,500
31.	597/22 23/11/2021	<b>Albert Dinariyevich SAYFULLIN</b> 1982	Khaziyeva Elvira Ilgizovna Almetyevsk	Supreme Court of Russia 02/09/2021		7,500
32.	613/22 14/03/2022	<b>Sergey Viktorovich OKHAPKIN</b> 1989		Pervomayskiy District Court of Kirov 09/03/2022		7,500

YELISEYEVA AND OTHERS v. RUSSIA JUDGMENT

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) <sup>1</sup>
33.	793/22 20/12/2021	<b>Aleksandr Aleksandrovich MATYASKIN</b> 1994	Abdrashitov Elik Yevgenyevich Orel	Zheleznodorozhnyy District Court of Samara, Sovetskiy District Court of Samara, Vakhitovskiy District Court of Kazan, Novo-Savinovskiy District Court of Kazan 27/07/2021	Art. 5 (3) - excessive length of pre-trial detention - detention in custody from 27/04/2017 to 27/07/2021, collective detention orders; use of assumptions, in the absence of any evidentiary basis, of the risks of absconding or obstructing justice; fragility and repetitiveness of the reasoning employed by the courts as the case progressed; failure to examine the possibility of applying other measures to secure attendance at the trial	9,750
34.	835/22 26/11/2021	<b>Denis Gennadyevich KRUGLYANIN</b> 1979		Kirovskiy District Court of Irkutsk, Irkutsk Regional Court since 28/11/2017 - end date is unknown, placement in metal cage was ongoing on the date when the application was lodged	Art. 5 (3) - excessive length of pre-trial detention - detention since 28/11/2017 and ongoing at the time when the application was lodged with the Court. Specific defects: as the case progressed, use of assumptions, in the absence of any evidentiary basis, of the risks of absconding or obstructing justice; fragility and repetitiveness of the reasoning employed by the courts as the case progressed; failure to examine the possibility of applying other measures of restraint	9,750
35.	985/22 15/12/2021	<b>Sergey Vladimirovich YEGOROV</b> 1967	Panshina Yelena Nikolayevna Moscow	Moscow City Court 16/06/2021		7,500
36.	1077/22 15/12/2021	<b>Aleksandr Yuryevich GONCHAROV</b> 1982		Vorkuta Town Court of the Republic of Komi 29/06/2021		7,500
37.	2243/22 13/12/2021	<b>Yevgeniy Nikolayevich AGAFONOV</b> 1984		Supreme Court of the Republic of Komi 15/06/2021		7,500

YELISEYEVA AND OTHERS v. RUSSIA JUDGMENT

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) <sup>1</sup>
38.	2245/22 10/12/2021	<b>Denis Aleksandrovich SOLOVYEV</b> 1982		Sykttyvdinskiy District Court of the Republic of Komi 18/06/2021		7,500
39.	2246/22 13/12/2021	<b>Marat Radifovich KHANNANOV</b> 1987		Privolzhskiy District Court of Kazan 30/09/2021		7,500
40.	2247/22 21/12/2021	<b>Grigoriy Aleksandrovich ZINOVYEV</b> 1992		Sysolskiy District Court of the Republic of Komi 03/08/2021  Sysolskiy District Court of the Republic of Komi 21/01/2022		7,500

---

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