



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

THIRD SECTION

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

*(Applications nos. 355/16 and 5 others - see appended list)*

JUDGMENT

STRASBOURG

18 May 2017

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



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

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

Luis López Guerra, *President*,

Dmitry Dedov,

Jolien Schukking, *judges*,

and Karen Reid *Section Registrar*,

Having deliberated in private on 27 April 2017,

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 applications were communicated to the Russian Government (“the Government”).

**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. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION**

6. The applicants complained principally of the inadequate conditions of their detention. They relied on Article 3 of the Convention, which reads as follows:

### Article 3

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

7. 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, *Kudła v. Poland* [GC], no. 30210/96, §§ 90-94, ECHR 2000-XI, and *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, §§ 139-165, 10 January 2012). 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, amongst many authorities, *Karalevičius v. Lithuania*, no. 53254/99, § 39, 7 April 2005, and *Ananyev and Others*, cited above, §§ 145-147 and 149).

8. In the leading cases of *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, 10 January 2012 and *Butko v. Russia*, no. 32036/10, §§ 54-64, 12 November 2015, the Court already found a violation in respect of issues similar to those in the present case.

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’ conditions of detention were inadequate.

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

### III. REMAINING COMPLAINTS

11. In applications nos. 1079/16 and 4415/16, the applicants submitted other complaints which also raised issues under the Convention, in accordance with 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 *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, § 119, 10 January 2012.

## IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

12. 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.”

13. Regard being had to the documents in its possession and to its case-law (see, in particular, *Muršić v. Croatia* [GC], no. 7334/13, § 181, ECHR 2016; *Mozharov and Others v. Russia*, no. 16401/12 and 9 others, § 14, 21 March 2017; and *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, 10 January 2012), the Court considers it reasonable to award the sums indicated in the appended table.

14. The Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

## FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the applications admissible;
3. *Holds* that these applications disclose a breach of Article 3 of the Convention concerning the inadequate conditions of detention;
4. *Holds* that there has been a violation as regards the other complaints raised under well-established case-law of the Court (see appended table);
5. *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 18 May 2017, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Karen Reid  
Registrar

Luis López Guerra  
President

## V AND OTHERS v. RUSSIA JUDGMENT

## APPENDIX

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

No.	Application no. Date of introduction	Applicant name Date of birth	Representative name and location	Facility Start and end date Duration	Number of inmates per brigade Sq. m. per inmate Number of toilets per brigade	Specific grievances	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.	355/16 03/12/2015	<b>Nikolay Vladimirovich DANILOV</b> 15/01/1984	<b>Aleksandr Vladimirovich VINOGRADOV</b> Kostroma	IK-1 Kostroma region 02/04/2013 to 03/06/2015 2 year(s) and 2 month(s) and 2 day(s)	2 m <sup>2</sup>	infestation of the cell with insects, lack of proper hygienic facilities, overcrowding, lack of (sufficient) natural light		5,000
2.	619/16 02/11/2015	<b>Vyacheslav Vyacheslavovich KONONENKO</b> 29/01/1984		IK-17 Krasnoyarsk (segregation unit) 07/05/2015 to 29/05/2015 23 day(s)	2.2-3 m <sup>2</sup>	lack of (sufficient) natural light, lack of fresh air		1,000

No.	Application no. Date of introduction	Applicant name Date of birth	Representative name and location	Facility Start and end date Duration	Number of inmates per brigade Sq. m. per inmate Number of toilets per brigade	Specific grievances	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>
3.	1079/16 08/12/2015	<b>Aleksandr Viktorovich SHALAYKO</b> 09/01/1980	<b>Margarita Vladimirovna GORDEYEVA</b> Astrakhan	IK-2 Astrakhan 11/04/2008 to 25/01/2012 3 year(s) and 9 month(s) and 15 day(s)  IK-2 Astrakhan 25/01/2012 to 25/08/2015 3 year(s) and 7 month(s) and 1 day(s)	162 inmate(s) 1.5 m <sup>2</sup> 3 toilet(s)  58 inmate(s) 0.9 m <sup>2</sup> 1 toilet(s)	insufficient number of beds in the cell, poor quality of food, lack of (sufficient) natural light, lack of (adequate) heating, infestation of the cell with insects, bath once a week, 10 to 14 minutes, tv set constantly on, absence of winter clothes  lack of (sufficient) natural light, lack of (adequate) heating, poor quality of food, insufficient number of beds in the cell, infestation of the cell with insects, absence of winter clothes, shower once a week, 8 to 12 minutes	Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention	5,000



## V AND OTHERS v. RUSSIA JUDGMENT

No.	Application no. Date of introduction	Applicant name Date of birth	Representative name and location	Facility Start and end date Duration	Number of inmates per brigade Sq. m. per inmate Number of toilets per brigade	Specific grievances	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.	2930/16 09/12/2015	<b>Namir Khidirovich MIRZEKULIYEV</b> 23/08/1988	<b>Aleksandr Vladimirovich VINOGRADOV</b> Kostroma	IK-4, Ostrovsk District, Kostroma Region 11/02/2010 to 02/07/2015 5 year(s) and 4 month(s) and 22 day(s)	1.5-2 m <sup>2</sup> 3 toilet(s)	infestation of the cell with insects, poor quality of food, lack of (sufficient) natural light, infestation of the cell with rats, lack of sufficient hygienic facilities		5,000
5.	4415/16 10/12/2015	<b>Maksim Vladimirovich POLETAYEV</b> 23/08/1988	<b>Aleksandr Vladimirovich VINOGRADOV</b> Kostroma	IK-1 Kostroma region 23/10/2012 to 30/06/2015 2 year(s) and 8 month(s) and 8 day(s)	<2 m <sup>2</sup> 4 toilet(s)	poor quality of food, infestation of the cell with insects, lack of (adequate) heating, lack of hygienic facilities	Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention	5,000
6.	7249/16 20/01/2016	<b>Fedor Nikolayevich GONCHAROV</b> 07/04/1982		IK-15 Norilsk 24/04/2014 to 29/09/2015 1 year(s) and 5 month(s) and 6 day(s)	120 inmate(s)  6 toilet(s)	lack of fresh air, lack of toilet privacy		5,000

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