



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

THIRD SECTION

CASE OF MATVEYEV AND OTHERS v. RUSSIA

*(Applications nos. 47655/15 and 4 others -
see appended list)*

JUDGMENT

STRASBOURG

3 May 2018

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

In the case of Matveyev and Others v. Russia,

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

Alena Poláčková, *President*,

Dmitry Dedov,

Jolien Schukking, *judges*,

and Liv Tigerstedt, *Acting Deputy Section Registrar*,

Having deliberated in private on 12 April 2018,

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, *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 -141, and *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, §§ 149-159, 10 January 2012).

8. In the leading case of *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, 10 January 2012, 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. 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 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*, cited above, §§ 100-119, concerning the

lack of the an effective domestic remedy to complain about poor conditions of detention.

IV. REMAINING COMPLAINTS

12. In applications nos. 47655/15, 3954/17 and 23937/17, the applicants also raised other complaints under various Articles of the Convention.

13. The Court has examined the applications listed in the appended table and considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints either do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

It follows that this part of the applications must be rejected in accordance with Article 35 § 4 of the Convention.

V. APPLICATION OF ARTICLE 41 OF THE CONVENTION

14. 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.”

15. Regard being had to the documents in its possession and to its case-law (see, in particular, *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, § 172, 10 January 2012), the Court considers it reasonable to award the sums indicated in the appended table.

16. 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 complaints concerning the inadequate conditions of detention and the other complaints under well-established case-law of the Court, as set out in the appended table, admissible and the remainder of the applications nos. 47655/15, 3954/17 and 23937/17 inadmissible;
3. *Holds* that these complaints disclose a breach of Article 3 of the Convention concerning the inadequate conditions of detention;

4. *Holds* that there has been a violation of the Convention 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 3 May 2018, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Liv Tigerstedt
Acting Deputy Registrar

Alena Poláčková
President

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 | Facility Start and end date Duration | 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) ¹ |
|-----|---|---|---|--|---|--|--|
| 1. | 47655/15 05/09/2015 | Andrey Yevgenyevich Matveyev 24/07/1979 | EKPT IK-29 Togliatti 03/04/2014 to 11/03/2015 11 month(s) and 9 day(s) | 2 m ² | Lack of natural light and fresh air, no ventilation, walls covered with mould, infestation with mice, rats and cockroaches, no sanitation by the administration, poor food quality, squat toilet without flushing system, toilet not separated from living area, shower once in 10 days, unsanitary conditions in shower rooms. | Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention. | 5,000 |
| 2. | 78279/16 15/11/2016 | Aleksey Vladimirovich Chukhrov 05/03/1980 | IZ-38/3 Taychet, Irkutsk Region 11/06/2016 to 11/10/2016 4 month(s) and 10 day(s) | 6 inmate(s) 2.3 m ² | Passive smoking, lack of fresh air, no or restricted access to toilet, mouldy or dirty cell, lack of privacy for toilet, no or restricted access to shower. | | 2,500 |
| 3. | 3954/17 30/11/2016 | Dmitriy Sergeyevich Dovgan 11/07/1986 | IZ 61/3 Novoherkassk 20/02/2015 to 04/07/2016 1 year(s) and 4 month(s) and 15 day(s) | | Overcrowding, insufficient number of sleeping places, lack of or insufficient electric light, constant electric light, no or restricted access to warm water, no or restricted access to running water, poor quality of food, lack of privacy for toilet, lack of requisite medical assistance. | Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention. | 6,300 |

| No. | Application no. Date of introduction | Applicant name Date of birth | Facility Start and end date Duration | 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) ¹ |
|-----|---|---|--|--|---|--|--|
| 4. | 7499/17 12/03/2017 | Pavel Vladimirovich Gerashchenko 30/04/1984 | IZ-67/1 Smolensk 26/05/2014 to 16/12/2016 2 year(s) and 6 month(s) and 21 day(s) IZ-52/1 Nizhniy Novgorod 19/12/2016 to 26/12/2016 8 day(s) IZ-52/1 Nizhniy Novgorod 16/01/2017 to 23/01/2017 8 day(s) | 7 inmate(s) 2 m ² 1 toilet(s) 12 inmate(s) 2.4 m ² 1 toilet(s) 12 inmate(s) 2.4 m ² 1 toilet(s) | Overcrowding, insufficient number of sleeping places, infestation of cell with insects/rodents, mouldy or dirty cell, lack of or insufficient natural light, lack of or insufficient electric light, lack of fresh air, passive smoking. Overcrowding, lack of privacy for toilet, lack of fresh air, mouldy or dirty cell, infestation of cell with insects/rodents, inadequate temperature, passive smoking. Overcrowding, lack of fresh air, passive smoking, no or restricted access to toilet, inadequate temperature, mouldy or dirty cell. | Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention. | 10,000 |
| 5. | 23937/17 01/03/2017 | Anton Sergeyevich Krivoshonok 28/08/1988 | IZ-47/1 St Petersburg 10/06/2016 to 04/11/2016 4 month(s) and 26 day(s) | 2 m ² | Lack of or poor quality of bedding and bed linen, inadequate temperature, lack of fresh air, no or restricted access to warm water, lack of or insufficient electric light, infestation of cell with insects/rodents. | Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention. | 2,500 |

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