

## La Corte Edu sull'utilizzo di gabbie metalliche nell'ambito di procedimenti giudiziari (CEDU, sez. III, sent. 2 marzo 2023, ric. n. 58388/14 e altri)

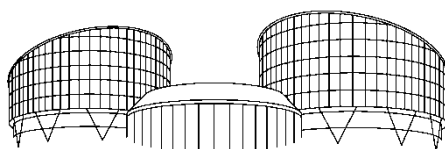
Il caso sottoposto al giudizio della Corte Edu trae origine dai ricorsi presentati contro la Russia da parte di alcuni cittadini che, durante la loro detenzione, hanno lamentato di essere stati reclusi in gabbie metalliche in occasione della loro partecipazione ai vari giudizi penali, civili e amministrativi.

La Corte, richiamandosi a quanto già affermato in alcune cause precedenti, ha ribadito come l'utilizzo di gabbie metalliche nell'ambito dei processi penali costituisca un affronto alla dignità umana e che, in quanto tale, sia configurabile come trattamento degradante vietato dall'art. 3 della Convenzione.

Nel caso di specie, non solo i detenuti erano stati rinchiusi all'interno di gabbie metalliche ma tale pratica era stata utilizzata nei loro confronti anche nell'ambito di procedimenti civili e amministrativi.

Tenuto conto della sua giurisprudenza in materia, la Corte ha dunque ritenuto che il trattamento praticato nei confronti dei ricorrenti possa essere qualificato come degradante ai sensi dell'art. 3 della Convenzione e per questo illegittimo.

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

THIRD SECTION

**CASE OF XXX v. RUSSIA**

*(Applications nos. 58388/14 and 8 others – see appended list)*

JUDGMENT

STRASBOURG

2 March 2023

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

**In the case of XXX v. Russia,**

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

Darian Pavli, *President*,  
Ioannis Ktistakis,  
Andreas Zünd, *judges*,  
and Viktoriya Maradudina, *Acting Deputy Section Registrar*,  
Having deliberated in private on 2 February 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. At the time of introduction of their applications before the Court the applicants were all convicted prisoners serving sentences of imprisonment. They complained about their confinement in metal cages before the courts during their participation in various civil, administrative and criminal proceedings. In application no. 31924/18, the applicant also raised another complaint under the provisions of Protocol No. 1 to 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 VIOLATIONS OF ARTICLES 3, 6 AND 13 OF THE CONVENTION**

6. The applicants complained principally about their confinement in metal cages before the court during their participation in various civil, administrative and criminal proceedings. 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.”

In application no. 20910/18 the applicant further complained that his appearance in a metal cage before the court had breached his presumption of innocence. He relied on Article 6 § 2 of the Convention, which reads as follows:

“2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.”

7. The Court notes that 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*, no. 59655/14 and 2 others, 31 January 2017, the Court already dealt with the issue of the use of metal cages in courtrooms in the context of criminal trials and found that such a practice constituted in itself – having regard to its objectively degrading nature – 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).

8. In the present cases the applicants were placed in metal cages before the court not in the context of the proceedings for determination of a criminal charge against them (except for the application no. 20910/18, which partially concerned such context), but in the context of civil, administrative and other criminal proceedings. However, 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 metal cages before the court during their participation in civil, administrative and criminal proceedings amounted to degrading treatment.

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

10. Having regard to its finding above, the Court does not consider it necessary to deal separately with the applicants’ complaints under Article 6 § 2 and Article 13 of the Convention (see *Valyuzhenich v. Russia*, no. 10597/13, §§ 27 and 35, 26 March 2019).

### III. OTHER ALLEGED VIOLATION UNDER WELL-ESTABLISHED CASE-LAW

11. The applicant in application no. 31924/18 submitted another complaint which raised an issue under Protocol No. 1 to the Convention, given the relevant well-established case-law of the Court (see appended table). This complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor is it inadmissible on any other ground. Accordingly, it must be declared admissible. Having examined all the material before it, the Court concludes that it also discloses a violation in the light of its findings in *Anchugov and Gladkov v. Russia*, nos. 11157/04 and 15162/05, 4 July 2013.

### 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, *Vorontsov and Others*, cited above), the Court considers it reasonable to award the sums

indicated in the appended table and dismisses the remainder of the applicants' claims for just satisfaction. It further considers that the finding of a violation in applications nos. 58388/14 and 64784/17 will constitute in itself sufficient just satisfaction (see *Ivanov and Others v. Russia* [Committee], nos. 44363/14 and 2 others, § 12, 4 June 2020, and *Puzanov v. Russia* [Committee], nos. 26895/14 and 2 other applications, § 13, 15 September 2022).

**FOR THESE REASONS, THE COURT, UNANIMOUSLY,**

1. *Decides* to join the applications;
2. *Declares* the complaints under Article 3 of the Convention concerning the applicants' placement in a metal cage in court hearings, and other complaints under the well-established case-law of the Court, as indicated in the appended table, admissible and *finds* that it is not necessary to deal separately with the applicants' complaints under Article 6 § 2 and Article 13 of the Convention;
3. *Holds* that these applications disclose a breach of Article 3 of the Convention on account of the applicants' placement in metal cages before the courts during their participation in civil, administrative and criminal proceedings;
4. *Holds* that there has been a violation of Protocol No. 1 to the Convention as regards the other complaints raised under well-established case-law of the Court (see appended table);
5. *Holds* that the finding of a violation constitutes in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicants in applications nos. 58388/14 and 64784/17;
6. *Holds*
  - (a) that the respondent State is to pay the remaining 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;
7. *Dismisses* the remainder of the applicants' claims for just satisfaction.

Done in English, and notified in writing on 2 March 2023, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina Acting Deputy Registrar  
Darian Pavli President

