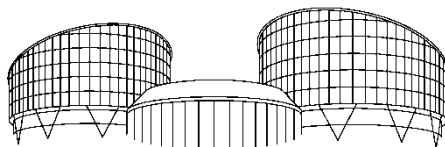


La Corte EDU sull'uso di gabbie metalliche per la reclusione di detenuti (CEDU, sez. I, sent. 7 marzo 2024, ric. n. 8461/20)

Il caso deciso dalla Corte EDU ha oggetto il ricorso presentato da alcuni ricorrenti che hanno lamentato la violazione dell'art. 3 della Convenzione. In particolare, la doglianza ha riguardato l'applicazione di misure presuntivamente ritenute lesive della dignità umana, essendo stati – i ricorrenti – rinchiusi in una gabbia metallica durante lo svolgimento del processo che li vedeva imputati. Ai Giudici di Strasburgo la questione è risuonata nota, essendo stati chiamati ad occuparsene nel 2017, e già allora avevano ritenuto tale pratica un trattamento degradante vietato dall'articolo 3 della Convenzione e lesivo della dignità umana. La stessa conclusione è stata, perciò, raggiunta anche in questo caso in cui la Corte non ha potuto non ribadire che la reclusione dei ricorrenti in una gabbia metallica dinanzi al tribunale durante il procedimento penale a loro carico equivale a trattamento degradante.



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

FIRST SECTION

CASE OF XXX v. RUSSIA

(Applications nos. 8461/20 and 43 others – see appended list)

JUDGMENT
STRASBOURG
7 March 2024

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 (First Section), sitting as a Committee composed of:

Lətif Hüseyinov, *President,*

Ivana Jelić,

Erik Wennerström, *judges,*

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 8 February 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 about their confinement in a metal cage in the courtroom during the criminal proceedings against them 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 VIOLATIONS 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 or during the administrative proceedings to which they were parties. They relied on Article 3 of the Convention. 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.
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.

13. 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; *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 *Fetisov and Others v. Russia*, nos. 43710/07 and 5 others, §§ 139-145, 17 January 2012, regarding inappropriate interference with the right of individual petition.

V. APPLICATION OF ARTICLE 41 OF THE CONVENTION

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 that the finding of a violation in application no. 20357/21 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). It further finds it reasonable to award the sums indicated in the appended table to the remaining applicants.

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 applications admissible;
4. *Holds* that these applications disclose a breach of Article 3 of the Convention on account of the applicants' placement in a metal cage before the court during their participation in criminal or administrative proceedings;

5. *Holds* that there has been a violation of the Convention 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* that the finding of a violation constitutes in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicant in application no. 20357/21;

8. *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.

Done in English, and notified in writing on 7 March 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina Acting Deputy Registrar

Lətif Hüseynov President