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Meeting: 1419th meeting (December 2021) (DH)

Communication from an NGO (Citizens Watch) (27/10/2021) in the case of SVINARENKO AND SLYADNEV v. Russian Federation (Application No. 32541/08) (appendices in Russian are available at the Secretariat upon request).

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1419^e réunion (décembre 2021) (DH)

Communication d'une ONG (Citizens Watch) (27/10/2021) relative à l'affaire SVINARENKO ET SLYADNEV c. Fédération de Russie (requête n° 32541/08) **[anglais uniquement]**.

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

DGI

27 OCT. 2021

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

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26 October 2021

COMMUNICATION

In accordance with Rule 9.2. of the Rules of the Committee of Ministers regarding the supervision of the execution of judgments and of terms of friendly settlements by HR NGO Citizens' Watch Svinarenko and Slyadnev group v. Russian Federation (Application No. 32541/08)

Judgement of [Svinarenko and Slyadnev](#) (Final judgment date: 17.07.2014) concerns mainly the applicants' degrading treatment (violations of Article 3) in different periods from 2007 to 2017 on account of their confinement in metal cages in courtrooms during criminal proceedings against them or in remand prison for the purposes of participation, via video link, in hearings concerning detention.

The case is under enhanced supervision.

[Citizens' Watch](#) is a human rights NGO initiated in 1992 by a group of Russian human rights activists, lawyers and journalists. Citizens' Watch aims to assist in establishing parliamentary and civic control over police, security service, and armed forces, and to help prevent violations of constitutional rights by these governmental agencies.

Our main priority is the right to a fair trial. Our NGO has been monitoring court hearings related to human rights since 1992, and since 2016 has engaged civil activists to this activity. We visit courts on a regular basis and issue [reports on the right to a fair trial](#).

EXECUTIVE SUMMARY

- urge the Ministry of Justice in collaboration with stakeholders, including civil society, to draft the amendments to relevant laws with the aim to stop the practice of placing defendants in metal cages in courtrooms and in places of detention;
- remind the Ministry of Justice to include in the draft law provision on financing needed for the renovation of the court rooms and places of detention caused by the abolition of the metal cages;
- express opinion on the proposal of the Government of the Russian Federation not to abolish metal cages in the courtrooms.

INDIVIDUAL MEASURES

Present submission does not concern individual measures.

GENERAL MEASURES

Regarding the draft amendments to the Code of Criminal Procedure prohibiting the use of metal cages in courtrooms

The [draft law No. 587542-7](#) on amendment of Article 9 of the Code of Criminal Procedure of the Russian Federation was introduced to the State Duma on November 14, 2018. The draft law proposed

to add a new paragraph to Article 9, prohibiting placing detainees in “protective cabins” or using other constructions, preventing communication between detainees and their lawyers.

On September 23, 2019 the Government of the Russian Federation submitted its official opinion on the draft law, highlighting that the draft law disregarded the need to provide safety for participants of the court hearings and did not say a word about its financing. The Government proposed “alternative” version of the draft law, charging a judge with the right to place a detainee in the protective cabin in the court room (see attached). In other words, the Government of the Russian Federation is against the abolition of the metal cages and other “protective” cabins in the courtrooms.

The draft law has still not been considered in the second reading.

Neither the draft law, nor the alternative draft law proposed by the Government of the Russian federation prohibit use of the metal cages in places of detention, used for videoconferencing with courts.

Regarding guidelines or other instructions to the relevant bodies

There are no guidelines or other instructions to the relevant bodies to stop the practice of using metal cages. On the contrary, courts when considering appeals on use of metal cages point to the absence of legal provision explicitly outlawing the use of metal cages in courts and reject such claims (see attached examples of court decisions).

Confinement in glass cabins in the courtroom is not always in full conformity with the ECHR. For instance, during the trial of 11 persons accused of the crime of terror act in metro of St Petersburg, which took place on April 3, 2017; defendants complained about degrading conditions in the glass cabins (lack of fresh air, overcrowding), however their grievances were ignored by the court. As a result during the trial one of the defendants lost her conscience and another required urgent medical assistance (for more details see our [report](#) on trial monitoring). Filinkov and Boyarshinov, defendants in the criminal case of Set', also complained about degrading conditions in the glass cabins (for more details see our [report](#) on trial monitoring).

CONCLUSIONS AND RECOMMENDATIONS TO THE CM

The Committee of Ministers should urge that the Russian Ministry of Justice draft the amendments to relevant laws with the aim to stop the use of metal cages in courtrooms and in places of detention for participation in the videoconference with the court. The Ministry of Justice of the Russian Federation should draft the law together with other relevant stakeholders, first of all the Supreme Court of the Russian Federation and the Federal Penitentiary Service of the Russian Federation, also the Ombudsman of the Russian Federation and representatives of civil society – NGOs working in the field of protection of human rights of prisoners and members of the Public Oversight Commissions (regional bodies charged with the task of monitoring of conditions in places of detention by the Federal Law no. 76-FZ from June 10, 2008)

The Committee of Ministers should also remind the Ministry of Justice to include in the draft law provision on financing needed for the renovation of the court rooms and places of detention caused by the abolition of the metal cages.

The Committee of Ministers should express opinion on the proposal of the Government of the Russian Federation not to abolish metal cages in the courtrooms.