



THIRD SECTION

CASE OF T. AND OTHERS v. RUSSIA

*(Applications nos. 5513/13 and 7 others –
see appended list)*

JUDGMENT

STRASBOURG

5 October 2021

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

In the case of T. and Others v. Russia,

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

Peeter Roosma, *President*,

Dmitry Dedov,

Andreas Zünd, *judges*,

and Olga Chernishova, *Deputy Section Registrar*,

Having regard to:

the applications (nos. 5513/13 and 7 others) against the Russian Federation lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by Russian nationals (“the applicants”), on the various dates indicated in the appended table;

the decision to give notice to the Russian Government (“the Government”);

the decision not to have the applicant’s name in application no. 5513/13 disclosed;

the decision to give priority to application no. 42900/14 (Rule 41 of the Rules of Court);

the parties’ observations;

Having deliberated in private on 14 September 2021,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The applications concern the alleged ill-treatment of the applicants at the hands of State officials between 2007 and 2015 and the lack of a proper investigation in that regard.

THE FACTS

2. The applicants are Russian nationals who live in various regions of Russia. A list of the applicants is set out in the Appendix.

3. The Russian Government (“the Government”) were represented by Mr G. Matyushkin and Mr M. Galperin, the then Representatives of the Russian Federation to the European Court of Human Rights, and lately by Mr M. Vinogradov, their successor in that office.

4. The facts of the case, as submitted by the parties, may be summarised as follows.

I. T. v. RUSSIA, APPLICATION No. 5513/13

A. The events of the alleged ill-treatment

5. On 16 December 2007 at around 5.00 p.m. a police officer arrested the applicant in Tomsk on suspicion of being drunk in a public place. The officer escorted the applicant to a police department. According to the applicant, he attempted to make a phone call to his lawyer when police officers snatched his phone out of his hand and applied physical force. They hit the applicant on the back, knocked him down and handcuffed. They then kicked him several times in his head, legs and back.

B. Inquiry into the alleged ill-treatment

6. On 17 December 2007 the applicant complained about the ill-treatment to investigative authorities.

7. On the following day a forensic medical examination found abrasions on the applicant's wrists possibly from handcuffing, abrasions on both arms, neck and back, bruises and abrasions on the left forearm, head, face and neck. They were inflicted with a blunt object possibly on 16 December 2007.

8. On 19 December 2007 another medical examination established a concussion and a contusion of the soft tissues of the head.

9. On 27 December 2007 the investigator refused to institute criminal proceedings. On 13 March 2008 the Sovetskiy District Court of Tomsk dismissed the applicant complaint against the refusal. A superior investigator subsequently annulled the refusal as the investigation was incomplete. He also ordered an additional inquiry.

10. On 29 December 2007 another examination found a kidneys' contusion and post-traumatic pyelonephritis.

11. On 24 March 2008 an additional forensic medical examination conducted in the absence of the applicant confirmed the findings of the examination of 18 December 2007 (see paragraph 7 above). It further refuted the kidneys' contusion and head concussion.

12. Between 24 March 2008 and 26 November 2010 the investigator issued at least three decisions refusing to open a criminal case. The applicant successively challenged the refusals before the Sovetskiy District Court of Tomsk. The court dismissed his complaints as each time the refusals had been annulled by superior investigators shortly before the hearings.

13. On 1 April 2013 the investigator issued the latest refusal to open a criminal case. Referring to explanations of the officers who had denied beating the applicant, he found the applicant's allegations unfounded. The officers only admitted that they had handcuffed and knocked the applicant

down on the floor after he had started to act aggressively and had refused to follow their orders. In particular, he was persistently asking for his phone back, started verbally insulting the officers and grabbing them by their uniform.

14. On 5 January 2016 the refusal was annulled as the investigation was incomplete. An additional inquiry was ordered.

II. DRUZHKOVA v. RUSSIA, APPLICATION No. 42900/14

A. Alleged ill-treatment on 14 January 2013

15. On 14 January 2013 at around 11.00 p.m. officers of the special security unit (OMON) arrested the applicant on suspicion of drug dealing in his apartment in Kola, the Murmansk Region. According to the applicant, the officers handcuffed him and beat him on different parts of the body in order to force him to turn in the drugs he presumably possessed. They also beat him with a mallet on the back of the head.

16. On the following day ambulance doctors recorded a contusion on the back of the applicant's head. On the same day a medical examination at a hospital found a contusion and a bruise on the applicant's back of the head, bruises on the left forearm and both thighs.

B. Inquiry into the alleged ill-treatment

17. On 15 January 2013 the applicant complained of his ill-treatment to a prosecutor.

18. On 31 January 2013 another medical examination found a contusion of the applicant's right hip joint.

19. On 28 February 2013 a forensic medical examination conducted in the absence of the applicant confirmed the injuries established on 15 January 2013 (see paragraph 16 above). It found that they had been inflicted with a blunt object.

20. On 1 March and 15 June 2013 the investigator twice refused to institute criminal proceedings. The Kolskiy District Court of the Murmansk Region subsequently annulled both refusals as the inquiry was incomplete, and the investigator had reached contradictory findings.

21. On 20 October 2013 the investigator issued the latest refusal. Referring to explanations of the officers, he found the allegations of ill-treatment unfounded as the applicant could have hurt himself or the officers could have accidentally hurt him during the arrest. In their explanations the officers maintained that they had not used force against the applicant.

22. On 23 January 2014 the Kolskiy District Court of the Murmansk Region dismissed the applicant's appeal against the refusal of 20 October 2013 as unfounded.

23. On 11 September 2014 the Murmansk Regional Court upheld the decision on appeal.

III. VASILYEV v. RUSSIA, APPLICATION No. 42438/15

A. Alleged ill-treatment on 28 March 2014

24. On 28 March 2014 at around 2.00 p.m. police officers arrested the applicant in Yaroslavl on suspicion of drug dealing. According to him, during the arrest one of the officers punched him on the head and handcuffed him. After the officers had escorted the applicant to a police department, they started to beat him on the thighs, face and shoulders in order to obtain his confession. One of the punches cracked his tooth. One of the officers also applied a painful armlock on the applicant's shoulder.

25. On 29 March 2014 a medical examination in a detention centre conducted upon the applicant's arrival recorded numerous bruises on his left thigh, both shoulders and left ear as well as abrasions from handcuffing.

B. Inquiry into the alleged ill-treatment

26. On 16 July 2014 the applicant complained of his ill-treatment to a prosecutor.

27. Between 13 September 2014 and 14 August 2015 the investigators issued eight decisions refusing to open a criminal case. They all were subsequently annulled as the inquiry was incomplete.

28. On 10 February 2015 a forensic medical examination conducted on 14 January 2015, that is almost seven months after the applicant's complaint, confirmed the findings of the examination of 29 March 2014 (see paragraph 25 above). It was carried out in the absence of the applicant.

29. On 28 July 2015 another forensic examination confirmed that one of the applicant's teeth had been cracked. It failed to establish the timeframe of the injury.

30. On 30 July 2015 an additional forensic examination again largely confirmed the findings of the examination of 29 March 2014.

31. On 12 October 2015 the investigator issued the latest refusal to open a criminal case. He considered the applicant's allegations unfounded as the officers could have inflicted the injuries when the applicant had resisted his arrest. He also found impossible to determine the cause of the crack of the tooth for the absence of clear timeframe of the events and the lack of evidence that an excessive force was applied to the applicant.

32. On 5 April 2016 the Leninskiy District Court of Yaroslavl dismissed the applicant's complaint against the decision of 12 October 2015.

33. On 21 June 2016 the Yaroslavl Regional Court upheld the decision on appeal.

IV. SOKOLOV v. RUSSIA, APPLICATION No. 45235/16

A. The events of the alleged ill-treatment

34. On 11 February 2015 at around 3.00 p.m. several police officers arrested the applicant on suspicion of drug dealing in Asino, the Tomsk Region. According to the applicant, during the arrest they twisted his hands and beat him on different parts of his body. Then they handcuffed him and escorted to a police department. There, in order to force him to turn in his possible accomplices, they continued beating him and hitting with a truncheon. They also sat on him, twisted his knees and hit his head against the floor. As a result, they broke his ribs.

35. On 13 February 2015 a medical examination in a detention centre conducted upon the applicant's arrival found abrasions on his wrists and back as well as edema and redness of his knees.

B. Inquiry into the alleged ill-treatment

36. On 4 March 2015 the applicant complained about the ill-treatment to a prosecutor.

37. On 23 March 2015 an X-ray examination found a pathology of the applicant's rib.

38. On 26 March 2015 the investigator refused to institute criminal proceedings.

39. On 15 May 2015, that is more than two months after the applicant's complaint, a forensic medical examination conducted in the absence of the applicant confirmed abrasions on his wrists and back inflicted with a blunt object. It failed to determine their timeframe due to the lack of information. It also confirmed edema and redness of the knees but failed to determine their cause.

40. On 10 August 2015 the refusal was annulled as the investigation was incomplete. An additional inquiry was ordered.

41. Between 11 September 2015 and 4 September 2017 the investigators issued at least four decisions refusing to open a criminal case. They were subsequently annulled as the inquiry was incomplete.

42. On 17 July 2017 a photofluorography confirmed the pathology of the rib (see paragraph 30 above). It concluded that the rib had been possibly broken but failed to determine the timeframe of the injury.

43. On 18 July and 24 August 2017 two forensic medical examination confirmed the injuries recorded on 13 February 2015 (see paragraph 35 above).

44. On 9 January 2018 the investigator issued the latest refusal to open a criminal case, having considered the applicant's allegations unfounded. He largely referred to explanations of the officers who denied handcuffing or use of force at the police department. One of them admitted only having taken hold of the applicant's wrists during the arrest in order to prevent his escape. The applicant then allegedly kneeled down feeling unwell due to the drug withdrawal syndrome.

V. SEMENOV v. RUSSIA, APPLICATION No. 72660/16, AND
PENKIN v. RUSSIA, APPLICATION No. 28843/17

A. The events of the alleged ill-treatment of the applicants

45. On 7 September 2013 at around 3 p.m. police officers of the special security unit arrested both applicants together in Biysk, the Altay Region, on suspicion of theft. According to them, the officers beat them on different parts of the bodies during the arrest.

1. The injuries sustained by Mr Semenov

46. On 7 September 2013 at 6.50 p.m. an ambulance doctor found that the applicant's nose had been broken.

47. On the following day a medical examination at a hospital found bruises and abrasions on the applicant's face and head.

48. On 10 September 2013 a forensic expert examination established bruises on the applicant's right eyelid, right ear, left shin, numerous abrasions on the face, nose, head and right wrist. The injuries were inflicted with a blunt object within three or four days prior to the examination.

2. The injuries sustained by Mr Penkin

49. On 11 September 2013 a forensic expert examination established a contusion on the applicant's forehead, bruises on both ears, both eyes and the face, abrasions on the face, right knee and neck. The injuries were inflicted with a blunt object within three or five days prior to the examination.

B. Inquiry into the alleged ill-treatment

50. On 10 and 11 September 2013 respectively the applicants complained about their ill-treatment to a prosecutor.

51. Between 19 October 2013 and 26 October 2015 the investigators issued seven refusals to open a criminal case. They were subsequently annulled as the inquiry was incomplete.

52. On 21 March 2016 the investigator issued the latest refusal to open a criminal case. Referring solely to explanations of the officers, he found the applicants' allegations unfounded. According to the officers, they used the physical force as the applicants had resisted the arrest and had presumably been armed.

53. On 26 May and 28 October 2016 respectively the Biyskiy Town Court of the Altay Region dismissed the applicant's complaints against the refusal.

54. On 4 August 2016 and 12 January 2017 the Altay Regional Court upheld the respective decisions on appeal.

VI. KHURSHUDOV v. RUSSIA, APPLICATION No. 11213/17

A. The events of the alleged ill-treatment

55. On 10 November 2015 at around 3.00 p.m. police officers arrested the applicant in Engels, the Saratov Region, on suspicion of mugging. According to him, during the arrest they beat him several times on different parts of the body and applied an electric shock. They then escorted him to a police department, where they handcuffed him and continued beating on the torso and applying electric shocks on the back in order to obtain his confession.

56. On the following day a medical examination conducted upon the applicant's transfer to a detention centre recorded bruises on the right shoulder and an abrasion on the back.

57. On 12 November 2015 an ambulance doctor recorded three burns on the applicant's back.

B. Inquiry into the alleged ill-treatment

58. On 12 November 2015 the applicant complained about the ill-treatment to an investigator.

59. On 19 November 2015 a forensic medical examination established six pinkish purple spots as well as two abrasions on the applicant's back.

60. On 18 December 2015 another forensic medical examination conducted in the absence of the applicant found that the spots could have resulted from burns. The remaining injuries could have been inflicted with a blunt object on 10 November 2015. The injuries could not have been self-inflicted.

61. On 18 December 2015 and 12 February 2016 the investigator issued two refusals to institute criminal proceedings. They were subsequently annulled as the inquiry was incomplete.

62. On 21 March 2016 the investigator issued the latest refusal having found the applicant's allegations unfounded. He referred to explanations of the officers, who denied the use of any force including the electric shocks against the applicant.

63. On 11 July 2016 the Kirovskiy District Court dismissed the applicant's complaint against the refusal as unfounded.

64. On 14 September 2016 the Saratov Regional Court upheld the decision on appeal.

65. On 7 November 2017 the investigator issued a decision to open criminal proceedings on account of the applicant's alleged ill-treatment by "unidentified police officers". As it stands, the investigation did not identify the perpetrators.

VII. GILMUTDINOV v. RUSSIA, APPLICATION No. 68434/17

A. The events of the alleged ill-treatment

66. On 5 April 2011 the applicant was arrested and detained in IVS-1 in Kazan on suspicion of participation in a gang.

67. According to the applicant, on 7 April 2011 he was escorted to a police department where police officers tortured him in order to obtain his confession. They handcuffed him, put a hat all over his head and taped it so he could hardly breathe. They twisted his arms, spun him so he would lose orientation and then forced to run. Then they put him down on a mattress and covered with another one so he could hardly breath. They also applied electric shocks to different parts of his body.

B. Inquiry into the alleged ill-treatment

68. On 8 April 2011 the applicant complained about the ill-treatment to an investigator.

69. On 17 April 2011 the investigator refused to institute criminal proceedings.

70. On 29 April 2011 a forensic medical examination conducted on 11 April 2011 found brown pigment spots on the applicant's back and left buttock, pink scars on the right shin and left knee, bruises on the left thigh and knee, abrasions on the right shin. They were inflicted with a blunt object. The scars indicated injuries inflicted more than six months earlier.

71. On 23 March 2012 the refusal was annulled.

72. Between 5 April 2012 and 2 February 2017 the investigator issued five refusals to institute criminal proceedings. They were subsequently

annulled as the investigation was incomplete. An additional inquiry was ordered.

73. On 8 April 2017 the investigator issued the latest refusal. He found that the applicant had possibly sustained the injuries before his arrest or that he had allegedly hurt himself when getting into a police car on 8 August 2011.

74. On 15 May 2017 the Sovetskiy District Court of Kazan dismissed the applicant's complaint against the refusal.

75. On 22 December 2017 the Supreme Court of the Tatarstan Republic upheld the decision on appeal.

RELEVANT LEGAL FRAMEWORK

76. For the relevant provisions of domestic law on the prohibition of torture and other ill-treatment and the procedure for examining a criminal complaint, see *Lyapin v. Russia*, no. 46956/09, §§ 96-102, 24 July 2014, and *Ryabtsev v. Russia*, no. 13642/06, §§ 48-52, 14 November 2013.

THE LAW

I. JOINDER OF THE APPLICATIONS

77. 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 ARTICLES 3 AND 13 OF THE CONVENTION

78. The applicants complained under Article 3 of the Convention that they had been subjected to ill-treatment by State officials and that the State had failed to conduct an effective domestic investigation into those incidents. They also complained under Article 13 of the Convention that they had no effective remedy in respect of their complaints of ill-treatment. The relevant parts of the Convention provisions read as follows:

Article 3

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

Article 13

“Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority ...”

A. Admissibility

1. The parties' submissions

79. Regarding Mr T., the Government submitted that the applicant had failed to exhaust domestic remedies as there was no final decision in his case.

80. Regarding Mr Gilmutdinov, the Government alleged that his complaints were out of time. According to them, the six-month period should be counted from 14 September 2017 when the judgment of the Sovetskiy District Court of Kazan was delivered.

2. The Court's assessment

(a) Mr T.

81. Regarding the Government's objection, the Court notes that the applicant challenged before the domestic court at least four refusals to open a criminal case issued between 27 December 2007 and 26 November 2010 (see paragraphs 9 and 44 above). Superior investigators annulled them at least three times for the incomplete inquiry shortly before the hearings. This prevented the consideration of the applicant's complaints on the merits. The deficiencies subsequently were not corrected despite multiple orders of the superior investigators.

82. In these particular circumstances, the Court is not convinced that any further appeals to a court would have been effective as devoid of any purpose (see, for example, *Vanfuli v. Russia*, no. 24885/05, §§ 72-75, 3 November 2011, and *Gordiyenko v. Russia*, no. 21462/06, § 58, 6 March 2014). The Court therefore finds that the Government's objection should be dismissed.

(b) Mr Gilmutdinov

83. Contrary to the Government's argument, the Court finds that the final decision in the applicant's case was taken on 22 December 2017 by the Supreme Court of the Tatarstan Republic (see paragraph 75 above). The application with the Court was lodged on 3 April 2018. Thus, the applicant complied with the six-month time-limit, and the Government's objection should be dismissed.

(c) Other complaints

84. The Court notes that the remaining complaints by all applicants are neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. They must therefore be declared admissible.

B. Merits

1. The parties' submissions

85. The applicants maintained their complaints, claiming that they had sustained the injuries as a result of their ill-treatment by the police officers during or shortly after their arrest.

86. The Government maintained the conclusions of the domestic inquiries.

2. The Court's assessment

(a) Credibility of the applicants' allegations of ill-treatment

87. The Court observes that all the applicants were arrested by the police on suspicion of their having committed various crimes. After spending different periods of time at the hands of State officers, the applicants were found to have sustained injuries of various degrees, as recorded by forensic medical experts, detention facilities or medical institutions (see paragraphs 7, 8, 10, 11, 16, 18, 19, 25, 28, 29, 30, 35, 30, 39, 42, 43, 46-49, 56, 57, 59, 60 and 70 above).

88. The above factors are sufficient to give rise to a presumption in favour of the applicants' accounts of events and to satisfy the Court that the applicants' allegations of ill-treatment in police custody were credible.

(b) Effectiveness of the investigation into the alleged ill-treatment

89. The Court observes that the applicants' credible allegations of their injuries being the result of police violence were dismissed by the investigating authorities as unfounded, based mainly on the statements of police officers denying the applicants' ill-treatment (see paragraphs 13, 21, 31, 44, 52, 62 and 73 above). The investigators' decisions refusing to open a criminal case were each time annulled by the superior authorities for having been based on an incomplete investigation and a fresh inquiry was ordered (see paragraphs 9, 44, 14, 27, 40, 41, 51, 61 and 72 above). In the case of Mr Druzhkov those decisions were annulled by the domestic courts (see paragraph 20 above). In the cases of Mr Druzhkov, Mr Vasilyev, Mr Semenov, Mr Penkin, Mr Khurshudov and Mr Gilmutdinov the investigators' most recent refusals to open a criminal case were upheld by the domestic courts.

90. The Court observes that in the case of Mr Khurshudov, after around two years and following three refusals, a criminal case was eventually opened (see paragraph 65 above). However, after three years, the Court still received no information from the Government regarding the progress of that investigation.

91. As regards the quality of the forensic expert examinations, the Court reiterates that proper medical examinations are essential safeguards against

ill-treatment (see *Akkoç v. Turkey*, nos. 22947/93 and 22948/93, §§ 55 and 118, ECHR 2000-X). However, in the cases of Mr Druzhkov, Mr Vasilyev and Mr Sokolov the forensic examinations were conducted with significant delays ranging from forty four days to almost seven months since the applicants had lodged their complaints (see paragraphs 19, 28 and 39 above). Moreover, those examinations were based on the applicants' medical records and did not involve their physical examination by the experts.

92. The Court reiterates its finding that the mere carrying out of a pre-investigation inquiry under Article 144 of the Code of Criminal Procedure of the Russian Federation is insufficient if the authorities are to comply with the standards established under Article 3 of the Convention for an effective investigation into credible allegations of ill-treatment in police custody. It is incumbent on the authorities to institute criminal proceedings and conduct a proper criminal investigation in which a full range of investigative measures are carried out (see *Lyapin v. Russia*, no. 46956/09, §§ 129 and 132-36, 24 July 2014). In itself, a refusal by the authority to open a criminal investigation into credible allegations of serious ill-treatment in the police custody is indicative of the State's failure to comply with its obligation under Article 3 of the Convention to carry out an effective investigation (*ibid.*, §§ 132-36).

93. The Court has no reason to hold otherwise in the present cases, which involve credible allegations of treatment proscribed by Article 3 of the Convention. It finds that the State has failed to carry out an effective investigation into the applicants' allegations of police violence.

(c) The Government's explanations

94. The Government maintained the conclusions of the investigating authorities (see paragraph 86 above). In particular, they argued that the applicants' injuries had not been attributable to the conduct of the police officers or that the application of force had been lawful.

95. Given that the Government's explanations were provided as a result of superficial domestic inquiries falling short of the requirements of Article 3 of the Convention, the Court finds that they cannot be considered satisfactory or convincing. It holds that the Government have failed to discharge their burden of proof and produce evidence capable of casting doubt on the applicants' account of events, which it therefore finds established (see *Olisov and Others v. Russia*, nos. 10825/09 and 2 others, §§ 83-85, 2 May 2017, and *Ksenz and Others v. Russia*, nos. 45044/06 and 5 others, §§ 102-04, 12 December 2017).

(d) Legal classification of the treatment

96. The applicants alleged that they had been subjected to torture and inhuman and degrading treatment.

97. Having regard to the applicants' injuries confirmed by medical evidence, the Court finds that the police subjected Mr T., Mr Druzhkov, Mr Semenov and Mr Penkin to inhuman and degrading treatment. As regards Mr Gilmutdinov's allegations of being subjected to torture including suffocation and electric shocks, the Court finds them unsubstantiated. However, his injuries clearly originated from the beatings by the State officers, and in this connection the Court concludes that Mr Gilmutdinov had been subjected to inhuman and degrading treatment.

98. The Court further observes that Mr Khurshudov alleged that he had been subjected to ill-treatment by electric shocks. Medical examinations recorded multiple burns on his back (see paragraphs 57 and 60 above). Mr Vasilyev and Mr Sokolov argued that the police officers had severely beaten them and cracked their tooth and rib respectively. Medical examinations confirmed the injuries (see paragraphs 29, 30 and 42 above). In these circumstances the Court finds that the existence of the applicants' particularly severe physical pain and suffering is attested by the medical reports and their statements regarding their ill-treatment at police stations, which were not refuted by the Government. The sequence of events also demonstrates that the pain and suffering were inflicted on them intentionally, namely with a view to extracting confessions to having committed crimes (see, *mutatis mutandis*, *Samoylov v. Russia*, no. 64398/01, § 53, 2 October 2008, and *Lolayev v. Russia*, no. 58040/08, § 79, 15 January 2015).

99. In such circumstances, the Court concludes that, taken as whole and having regard to its purpose and severity, the ill-treatment of Mr Khurshudov, Mr Vasilyev and Mr Sokolov amounted to torture within the meaning of Article 3 of the Convention.

(e) Conclusion

100. There has accordingly been a violation of Article 3 of the Convention under its substantive and procedural limbs in respect of all applicants. In the light of this finding, the Court considers that it is not necessary to examine whether there has also been a violation of Article 13 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

101. 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.”

102. The amounts claimed by the applicants under the head of pecuniary and non-pecuniary damage and costs and expenses are indicated in the appended table.

103. The Government submitted that Article 41 of the Convention should be applied in accordance with the established case-law.

A. Damage

104. The Court considers that the applicants must have suffered anguish and distress as a result of the violations found above. In those circumstances, the Court considers it reasonable to award the sums indicated in the appended table.

B. Costs and expenses

105. As to costs and expenses, the Court reiterates that an applicant is entitled to their reimbursement only in so far as it has been shown that these have been actually and necessarily incurred and are reasonable as to quantum. That being so, the Court awards the sums in this respect indicated in the appended table.

106. 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 applicants’ alleged ill-treatment by the State officers and the lack of an effective investigation into their complaints admissible;
3. *Holds* that there has been a violation of Article 3 of the Convention under its substantive and procedural limbs in respect of all the applicants;
4. *Holds* that there is no need to examine the complaints of the applicants under Article 13 of the Convention;
5. *Holds*
 - (a) that the respondent State is to pay the applicants, within three months, the amounts indicated in the appended table, plus any tax

that may be chargeable, 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 amounts indicated in the appended table at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

6. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 5 October 2021, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova
Deputy Registrar

Peeter Roosma
President

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APPENDIX

List of cases:

No.	Case name Application no. Lodged on	Applicant Year of Birth Place of Residence Nationality Represented by	Non-pecuniary damage	Pecuniary damage	Costs and expenses
1	T. v. Russia 5513/13 15/01/2013	T. 1985 Russian	Sought by the applicant		
			EUR 45,000 (forty-five thousand euros)	-	-
			Awarded by the Court		
			EUR 26,000 (twenty-six thousand euros)	-	-
2	Druzhkov v. Russia 42900/14 12/10/2014	Denis Nikolayevich DRUZHKOVA 1980 Kola Russian Yekaterina Viktorovna YEFREMOVA	Sought by the applicant		
			EUR 36,000 (thirty-six thousand euros)	-	EUR 2,000 (two thousand euros)
			Awarded by the Court		
			EUR 26,000 (twenty-six thousand euros)	-	-
3	Vasilyev v. Russia 42438/15 05/08/2015	Vladimir Igorevich VASILYEV 1988 Rybinsk Russian	Sought by the applicant		
			EUR 14,000 (fourteen thousand euros)	-	EUR 1,435 (one thousand four hundred and thirty-five euros)

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		Yevgeniy Viktorovich SHPRITZ	Awarded by the Court		
			EUR 14,000 (fourteen thousand euros)	-	EUR 1,435 (one thousand four hundred and thirty-five euros)
4	Sokolov v. Russia 45235/16 20/07/2016	Vitaliy Vitalyevich SOKOLOV 1972 Asino Russian Yegor Leonidovich BOYCHENKO	Sought by the applicant		
			EUR 25,000 (twenty-five thousand euros)	-	EUR 1,000 (one thousand euros)
			Awarded by the Court		
			EUR 25,000 (twenty-five thousand euros)	-	EUR 150 (one hundred and fifty euros)
5	Semenov v. Russia 72660/16 29/10/2016	Sergey Vasilyevich SEMENOV 1977 Biysk Russian Olga Vitalyevna TATARNIKOVA	Sought by the applicant		
			EUR 20,000 (twenty thousand euros)	-	-
			Awarded by the Court		
			EUR 20,000 (twenty thousand euros)	-	-
6	Khurshudov v. Russia 11213/17 24/01/2017	Vladimir Antifonovich KHURSHUDOV 1984 Probuzhdeniye Russian	Sought by the applicant		
			EUR 30,000 (thirty thousand euros)	-	-
			Awarded by the Court		

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		Andrey Dzhambekovich BOUS	EUR 30,000 (thirty thousand euros)	-	-
7	Penkin v. Russia 28843/17 15/03/2017	Roman Nikolayevich PENKIN 1990 Barnaul Russian Yekaterina Viktorovna YEFREMOVA	Sought by the applicant		
			EUR 30,000 (thirty thousand euros)	-	EUR 3,200 (three thousand two hundred euros)
			Awarded by the Court		
			EUR 26,000 (twenty-six thousand euros)	-	-
8	Gilmutdinov v. Russia 68434/17 03/04/2018	Radik Rinatovich GILMUTDINOV 1978 Novorybinskiy Russian Yekaterina Viktorovna YEFREMOVA	Sought by the applicant		
			RUB 1,000,000 (one million rubles) ¹	RUB 5,610,000 (five million six hundred ten thousand rubles)	RUB 1,200,000 (one million two hundred thousand rubles) and EUR 2,550 (two thousand five hundred and fifty euros)
			Awarded by the Court		
			EUR 11,100 (eleven thousand one hundred euros)	-	-

¹ Approximately EUR 11,100.