CITIZENS' WATCH

Non-Governmental Human Rights Organization

COMPENSATION FOR IMPROPER DETENTION CONDITIONS IN 2023

ST. PETERSBURG • 2023

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Table of contents

Summary of the Report

On 27 January 2020, Article 227.1 of the Administrative Procedure Code of the Russian Federation came into force. In Russian legislation, this article enshrined a new remedy against improper detention conditions, namely, an administrative claim for compensation for violation of detention conditions and imprisonment. We have been monitoring the relevant court practice and assessing the effectiveness of this remedy for three years now. In 2023, we paid particular attention to how the courts determine the compensation amount, given that without an adequate compensation amount Article 227.1 of the Administrative Procedure Code cannot be considered an effective remedy.

We assess the adequacy of the rewarded compensation against the average compensation amount envisioned by the drafters of the Law on Compensation, namely EUR 3,000 or RUB 231,000 (at the exchange rate of RUB 77 to EUR 1 at the time of developing and adopting the Law). We have analysed 561 decisions of all nine judicial cassation districts, as well as 7 decisions of the Supreme Court of the Russian Federation. In almost 75% of the cases, the court concluded that the detention conditions were violated. This figure speaks in favour of the consistency of judicial practice on the compensation remedy. As for its effectiveness, our analysis shows that there are serious reasons to doubt it.

Firstly, court decisions cannot change the situation and protect the prisoners' rights. For example, in one case the applicant appealed to the court for the second time complaining about the lack of hot water in the Penitentiary Colony No. 6 for the Khabarovsk Region. Despite the court's decision in favour of the claimant hot water was not provided, and in 2023 the Supreme Court of the Republic of Tyva held that "an effective remedy to improve the detention conditions is not present". For this reason, the ECtHR not only requires the creation of a compensatory remedy but also an effective one capable of changing the detention conditions in response to a person's complaint. Such a remedy has not been created.

Secondly, the courts used to order insignificant compensation that does not meet ECtHR's criteria. At the same time, the average amount of compensation has decreased even compared to 2021 and amounted to RUB 24,300 or 10% of the average amount of compensation under the Law on Compensation. The court practice remains ambiguous regarding the criteria by which the courts determine the compensation amounts, and it is often unclear why the court assessed the claimant's suffering this or that way. For instance, one of the rulings of the Supreme Court of Russia states that the lower court calculated the amount of compensation by multiplying RUB 25 by the number of days the claimant spent in inadequate conditions. The Supreme Court criticised this approach and emphasised the need to take into account specific circumstances when determining compensation. Nevertheless, the average amount of compensation for inadequate conditions remains negligible.

Thus, we assess the compensatory remedy for inadequate detention conditions under Article 227.1 of the Russian Administrative Procedure Code as ineffective.

Introduction

The compensatory remedy for inadequate detention conditions resulted from the practice of the European Court of Human Rights (ECtHR)[1] and became a part of the Russian legal system. The ECtHR did not evaluate the effectiveness of the new compensatory remedy, however, in the ruling in the case Shmelev and Others v. Russia dated 17 March 2020, the Court indicated that the legislative regulation of the compensatory remedy gives reason to hope for its effectiveness. Therefore, before lodging a complaint with the European Court of Human Rights for ill-treatment and degrading detention conditions a claimant must file a lawsuit in the Russian court in accordance with Article 227.1 of the Administrative Procedure Code of Russia.[2] The conclusion on the effectiveness of a compensatory remedy should be made based on its application in practice.[3]

This report features the results of the continuous monitoring of the case law on inadequate detention conditions. We published its previous interim results in 2021 and 2022. When analysing this case law, we rely on the criteria of effective compensatory remedy determined by the ECtHR. In our first report, we analysed the practice of the appeal courts of general jurisdiction and have identified the following factors that pose the most serious threat to the effectiveness of the compensatory remedy:

- Overinclusive interpretation of "detention conditions" discordant with the ECtHR's judicial practice.
- Exceedingly low compensation amounts awarded by courts, especially in civil proceedings.
- Inconsistent choice of the applicable code of judicial practice for the hearings of complaints: Administrative Procedure Code vs. Civil Procedure Code.
- Inconsistent judicial practice regarding the "right to be heard."
- Unreasonable court decisions that ignore the ECHR and the ECtHR's judicial practice, prioritise the evidence provided by the defendant and fail to recognise violations unspecified in Russian law.

In our last report for 2022, we analysed the case law of cassation courts including the Supreme Court of the Russian Federation and have concluded that courts of cassation failed to correct the shortcomings of the appellate decisions, namely they refuse to influence the compensation amounts and do not explain to the courts how to take into account the ECtHR's legal stand.

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[1] Kalashnikov v. Russia (47095/99), a judgment of 15 July 2002; Ananyev v. Russia (42525/07, 60800/08), a judgment of 10 January 2012.

[2] Shmelev and Others v. Russia (41743/17 and other complaints), the judgment of 17 March 2020.

[3] On March 16, 2022, the Council of Europe's Committee of Ministers terminated Russia's membership in the Council of Europe. Under the ECtHR resolution of 22 March 2022, on the consequences of the termination of Russia's membership in the Council of Europe, Russia ceases to be a party to the Convention on Human Rights and Fundamental Freedoms on 16 September 2022, and the ECtHR will continue to consider complaints on violations of the Convention that occurred before that date (i.e. 16 September 2022). Thus, the practice of the ECtHR retains its significance for the Russian legal system, and we continue to take it into account when assessing the effectiveness of a compensatory remedy.

In 2023, we decided to primarily focus on how the courts determine the amount of compensation since Article 227.1 of the Administrative Procedure Code cannot be considered an effective remedy if the compensation is inadequate.

The fact that Russia lost its membership in the Council of Europe on 16 March 2022 did not affect our conclusions.[4] The ECHR continued to apply to Russia until September 16, 2022, and the ECtHR is still considering complaints for human rights violations against Russia that occurred before that date. All the ECtHR's decisions on complaints against Russia remain binding. The Committee of Ministers continues to monitor Russia's compliance with ECtHR's judgments, although Russian representatives have ceased their interactions with the Committee[5] and the ECtHR.[6]

[4] Decision of Committee of Ministers of the Council of Europe 1428ter meeting, 16 March 2022, Consequences of the aggression of the Russian Federation against Ukraine (CM/Del/Dec(2022)1428ter/2.3).

[5] Secretary General urges the Russian Foreign Minister to implement ECtHR judgments, 12 December 2022. https://www.coe.int/en/web/portal/-/secretary-general-urges-the-russian-foreign-minister-to-implement-echr-judgments.

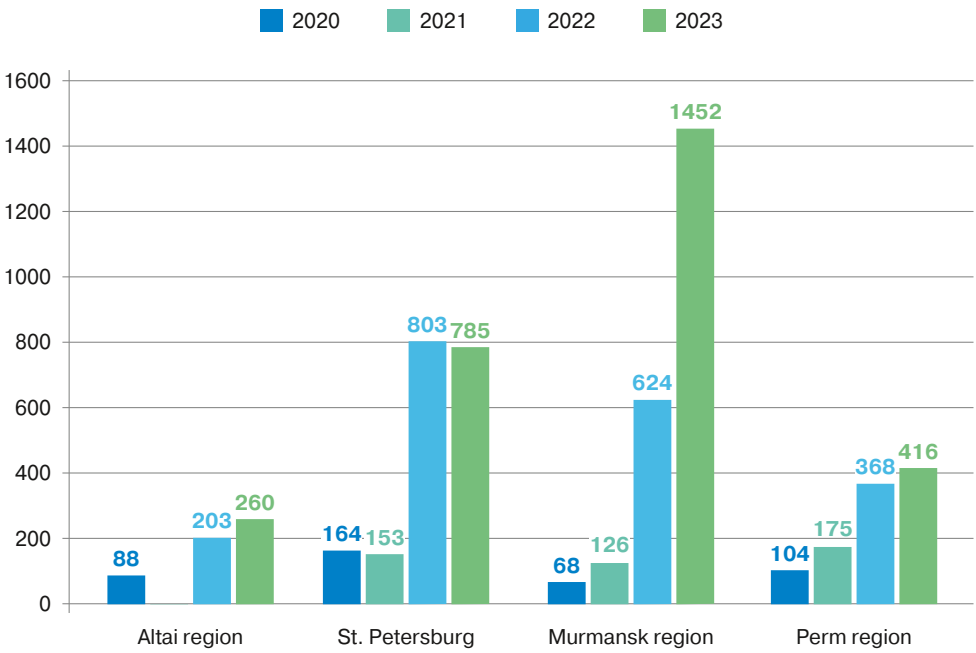
[6] Press Release of the ECtHR, Future processing of applications against Russia. 3 February 2023. https://hudoc.echr.coe.int/eng-press?i=003-7559628-10388013.

Court decisions

The Judicial Department of the Supreme Court of Russia does not keep statistics on the number of cases considered under Article 227.1 of the Administrative Procedure Code, however, several regional judicial departments keep such statistics only on the first instance. We have analysed the statistics of four Russian regions: Saint Petersburg, Murmansk Region, Perm Region and Altai Region.

The sample is shaped by two factors: access to the report of the Judicial Department as of early March 2024 and/or a large number of penitentiary facilities on the territory of the regions to which our report is limited.

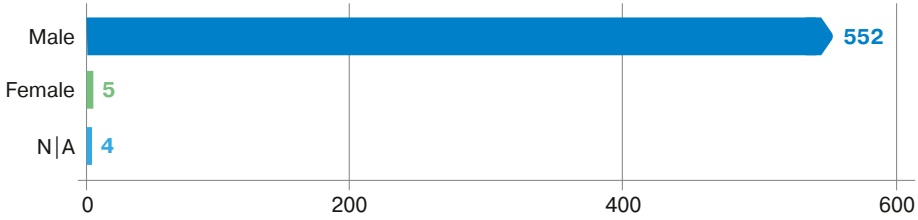
NUMBER OF CASES REGISTERED IN THE REGIONS



Under Article 227.1 of the Administrative Procedure Code, we have analysed those court decisions that came into force in 2022 and were made public as of December 2023. First of all, these are appellate court decisions, as well as seven decisions of the Russian Supreme Court under Article 227.1 of the Administrative Procedure Code made in 2023.

In total, we have analysed 561 court decisions from all the nine cassation districts, as well as 7 judgements of the Supreme Court. The prevailing gender of the claimants – in those decisions where it was specified – is male; we could find only five female claimants.

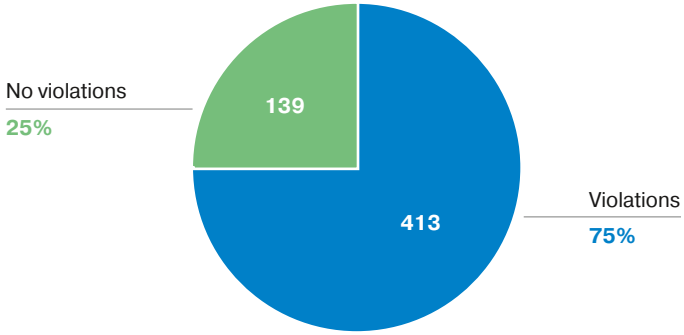
GENDER OF THE CLAIMANTS



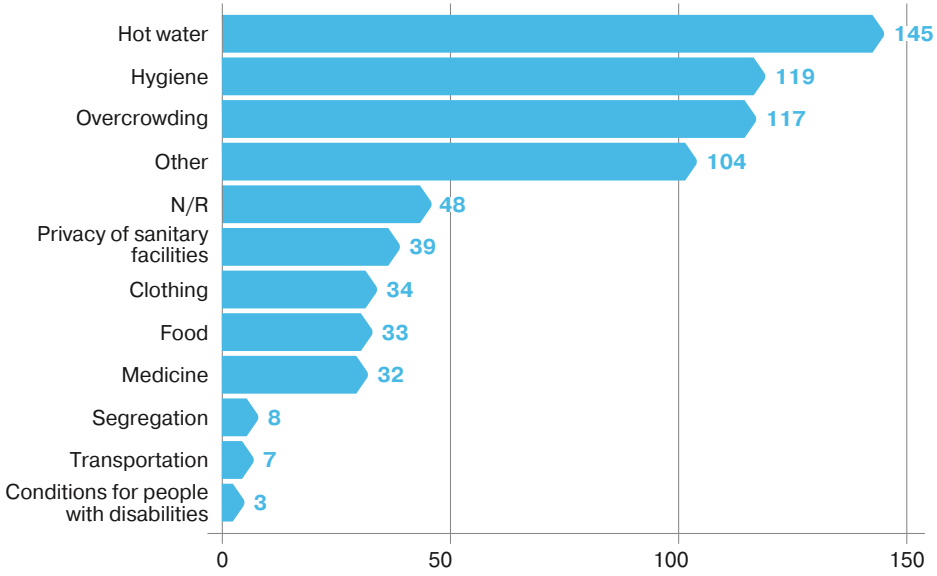
Disclosed violations

In almost 75% of cases, the court concluded that the conditions of detention had been violated. This figure indicates the effectiveness of this way of legal protection.

NUMBER OF DECISIONS WITH VIOLATIONS OF DETENTION CONDITIONS



As for the type of violations, the data we collected point to the problems of old construction where people deprived of their liberty are confined. Violations that were found in the 413 decisions most often involved the following problems: lack of hot water (35%), overcrowding (28%), insufficient sanitary equipment and hygiene conditions (28%). Less frequent violations were found in ensuring the privacy of sanitary facilities (9%), compliance with the norms for clothing allowances (8%), provision of medical services (8%), provision of adequate food (8%), violation of the segregation rules (2%) and failure to provide conditions suitable for people with disabilities (1%).



!

The most problematic detention conditions are in the Penitentiary Colony No. 6 of the Federal Penitentiary Service of Russia for the Khabarovsk Region. This institution is the defendant in 29 court rulings from our monitoring. In all 29 rulings, the courts found a violation of detention conditions due to the lack of hot water. According to available data, the average temperature in January in Elban is -25°C. The court rulings show a lack of centralised hot water supply in the entire settlement, including the Penitentiary Colony No. 6. A boiler station built for the colony broke down in 2012 and is still not functioning; water heaters are used instead.[7] Courts found violations and awarded compensation: its amount ranges from RUB 1,000 for 21 days[8] of detention in such conditions to RUB 300,000 for 2 years and 7 months.[9]

[7] E. g., Appellate ruling of the Sverdlovsk Regional Court No. 33a-4314/2022 of 12 April 2022.

[8] Appellate ruling of the Khabarovsk Regional Court No. 33a-5872/2022 of 2 September 2022.

[9] Appellate ruling of the Supreme Court of the Republic of Tuva No. 33a-93/2022 of 21 February 2022.

Court decisions cannot change the situation and protect the rights of prisoners. For one of the claimants, it was already the second time he complained to the court about the lack of hot water supply. In 2022, the court had already ordered Penitentiary Colony No. 6 to remedy the violation. Still, water was not provided, and in 2023 the Supreme Court of the Tyva Republic recognised that "there is no effective means to improve the conditions of detention".[10] In such circumstances, we can only await new court rulings against Penitentiary Colony No. 6 which cannot restore the violated rights of the prisoners.

In the Komi Republic, we recorded systematic violations in the provision of hot water to pretrial detention facilities and colonies, too. The courts received complaints about such violations in Detention Centers No. 1 and No. 3, as well as in Penitentiary Colonies No. 10 and No. 31. According to media reports, the court – in response to the administrative lawsuit filed by the Pechora Prosecutor's Office for Supervision of Compliance with Laws in Penitentiary Facilities – ordered the Detention Center No. 3 to provide hot water to detention cells within one year from the date the court's decision came into force.[11]

Judicial practice in establishing violations is often inconsistent. For example, the Supreme Court of the Komi Republic one day considers the opportunity to have a wash with hot water in the bathhouse twice a week a sufficient compensation for the lack of hot water in the cell,[12] and then the next day it does not and concludes that the detention conditions were violated.[13]

Violations not related to conditions of detention

In 25% of the decisions, the courts found various other violations of the detention conditions, namely:

- deprivation of the right to watch TV shows and movies, to play board games;
- lack of separate rooms, such as recreation room, kitchen, pantry, utility room, laundry room, storage room for sports equipment, storage room for household equipment;
- an iron bed instead of a wooden one
- use of punishment cells for quarantine;
- lack of ventilation;
- deprivation of walks;
- poor lighting.

In 12% of the cases, the courts established as violations of detention conditions those violations that were of another kind, namely:

- unlawful placement in a punishment cell[14] or a solitary confinement cell;[15]
- violation of the right to communicate with relatives in the form of limiting the number of

[10] Appellate ruling of the Supreme Court of the Republic of Tuva No. 2a-2875/2022 of 26 January 2023.

[11] Violations in water supply were found in the Detention Center in Vorkuta, KomiOnline, 21 February 2022. https://komionline.ru/news/narusheniya-pri-obespechenii-goryachej-vodoj-nashli-v-sizo-v-komi.

[12] Appellate ruling of the Supreme Court of the Komi Republic No. 33a-6847/2022 of 10 November 2022.

[13] Appellate ruling of the Supreme Court of the Komi Republic No. 33a-8507/2022 of 5 December 2022; Appellate ruling of the Supreme Court of the Komi Republic No. № 33a-7201/2022 of 3 November 2022.

[14] Appellate ruling of the Supreme Court of the Republic of Karelia No. 33a-2453/2022 of 12 August 2022.

[15] Appellate ruling of the Altai Regional Court No. 33a-3469/2022 of 9 June 2022.

phone numbers to which the convicted person can call[16] or refusal to transfer to an institution closer to relatives;[17]

- unlawful requirements to move around the place of confinement with the hands behind the back;[18]
- setting a person to preventive register as prone to arson;[19]
- unlawful restriction of telephone conversations;[20]
- search made under video surveillance by an employee of a different gender;[21]
- failure to issue a certificate of incapacity for work;[22]
- violation of the right to correspondence;[23]
- violations of the procedure for consideration of appeals.[24]

The above listed applies to violations of other rights: the right to liberty and personal security in the case of unlawful placement in a punishment cell or solitary confinement cell, the right to privacy in the case of unlawful restriction of the right of communication with relatives through telephone conversations or transfer to a remote colony, or the right to consideration of an appeal, etc.

Most of such claims challenge the lawfulness of the decisions or actions of the administration of penitentiary facilities and should be considered under Article 227.1 of the Administrative Procedure Code on administrative proceedings on challenging decisions, actions (inaction) of public authorities, local self-government bodies, other bodies, organisations vested with separate state or other public powers,

> *...Use of the squat toilet by the claimant wearing a plaster cast on his leg is difficult without assistance and does not comply with generally accepted standards, entails a violation of the claimant's rights and may be sufficient to cause suffering and distress to a degree exceeding the unavoidable level of suffering inherent in the restriction of liberty, to cause the claimant a sense of humiliation and moral distress, which are presumed in such circumstances and do not need to be proved.*
>
> *(Appellate ruling of the Supreme Court of the Republic of Tatarstan No. 33a-1665/2023 of 10 January 2023).*

> *The claimant's allegations that he and other convicts were forced to shout words of gratitude do not indicate that the penitentiary institution violated the rights of the administrative claimant. Courteous treatment of the convict by the staff is stipulated by the Penitentiary Code of the Russian Federation. Expressing words of gratitude to the staff of the institution, the administrative claimant showed his politeness, which is inherent in a well-mannered person, and the fact that he was forced to shout those words in chorus was not established by the court.*
>
> *(Appellate ruling of the Orenburg Regional Court No. 33a-160/2022 of 26 January 2022).*

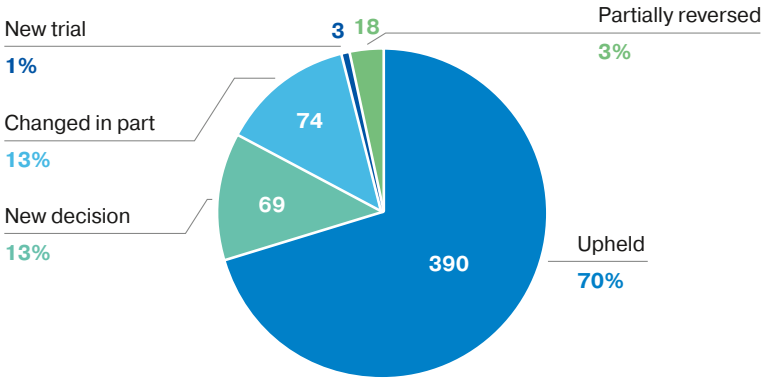
[16] Appellate ruling of the Supreme Court of the Komi Republic No. 33a-3892/2022 of 28 July 2022.
[17] Ibid.; Appellate ruling of the Moscow City Court No. 33a-4037/2023 of 13 July 2023.
[18] Appellate ruling of the Altai Regional Court No. 33a-10083/2022 of 27 December 2022.
[19] Appellate ruling of the Supreme Court of the Republic of Karelia No. 33a-2240/2022 of 29 July 2022.
[20] Appellate ruling of the Supreme Court of the Republic of Karelia No. 33a-2079/2022 of 8 July 2022.
[21] Appellate ruling of the Supreme Court of the Komi Republic No. 33a-3593/2022 of 27 June 2022.
[22] Appellate ruling of the Supreme Court of the Komi Republic No. 33a-3635/2022 of 23 June 2022.
[23] Appellate ruling of the Supreme Court of the Republic of Karelia No. 33a-1188/2021 of 29 April 2022.
[24] Appellate ruling of the Zabaykalsky Regional Court No. 33a-3907/2022 of 3 November 2022.

officials, state and municipal employees. Consideration of such claims under Article 227.1 of the Administrative Procedure Code does not lead to a violation of the claimant's rights except for the amount of compensation. All the violations under Article 227.1 of the Administrative Procedure Code are considered by the courts as violations of the detention conditions. If, for example, a complaint for violation of the right to appeal would be considered separately, the court would have awarded a separate compensation for its violation in addition to the compensation for improper detention conditions, so the total amount of compensation, as we believe, would be larger.

Appellate judgements

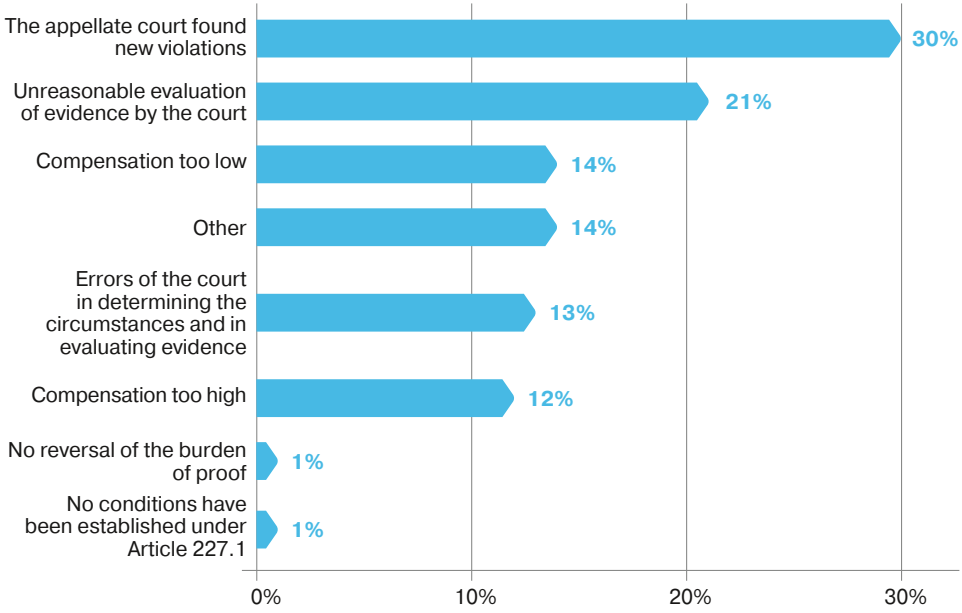
70% of rulings were upheld in appeal, which indicates the consistency of the established judicial practice. In less than 1% of the cases, the court of appeal sent it to the first instance for a new trial, in 13% of the cases the court of appeal did not send it for a new trial but issued a new decision. In 13% of cases, the court of appeal changed the decision in part of the article and 3% partially reversed the decision of the first instance. The Supreme Court of Russia sends cases for retrial substantially more often. Out of the seven cases we studied all were sent by the Supreme Court for a new consideration.

RESULT OF THE APPEAL



In 30% of the cases, the court of appeal modified or reversed the decision because it found a new violation of the detention conditions. 21% of decisions were reversed because the court of appeal found that the first instance's assessment of the evidence was unreasonable. In 14%, the court of appeal increased the amount of compensation because it found it insufficient. In 12% of the cases, the court of appeal reduced the amount of compensation. In less than 1% of the cases, the reasons for reversal were failure to shift the burden of proof and "failure to define conditions under Article 227.1 of the Administrative Procedure Code" in the court's words.

REASONS FOR MODIFYING OR REVERSING THE DECISION



The Amount of Compensation

We assess the adequacy of the compensation in comparison with the average compensation anticipated by the authors of the Law on Compensation, namely EUR 3,000 or RUB 231,000 (according to the conversion rate RUB 77 = EUR 1, applicable at the time when the law was designed and adopted). This is the amount specified in the financial feasibility report for the draft legislation that further became Article 227.1 of the Russian Administrative Procedure Code. The report also specified that this is the amount of compensation "proposed by the Russian authorities and agreed upon with the European Court".[25] In the case Shmelev v. Russia, the ECtHR did not challenge the compensation amount, even though the court itself would usually award much higher compensation.[26] Thus, when evaluating the efficiency of this compensatory remedy the ECtHR agrees that the amount of compensation awarded by national courts may be lower than that awarded by the ECtHR[27] but only if the national court has taken into account the ECtHR's judicial practice, the local living standards,[28] and if the amount is not negligible in comparison to the compensation that the ECtHR could have awarded.[29] When monitoring the decisions of the cassation courts, we use the same numbers as a reference point.

We found that the average compensation awarded by Russian courts in 2022 was RUB 36,690.[30] This amount has increased compared to 2021 when the average amount of compensation was RUB 27,000, and its size depended on the type of proceedings under which the case was considered – civil or administrative code.[31]

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[25] Financial Feasibility Report for the Draft Law No. 711788-7, § 4. https://sozd.duma.gov.ru/bill/711788-7/.

[26] In the ECtHR's judgment (14 February 2017) on the Lobkov and Rassolov v. Russia case (43215/10 and 56270/10), which challenged the overcrowded detention conditions, Rassolov was awarded a compensation of EUR 1,245 (this sum was specified by the claimant himself) for one year spent in overcrowded confinement. Lobkov received EUR 6,250. Busov got EUR 5,000 for five months. Luzgin received EUR 5,000 for one year and six weeks spent in the overcrowded prison. Lagunov received compensation of EUR 6,500 for one year and seven months in the same facility. Kasfatov got EUR 7,750 for one year and nine months. Artyukhov – EUR 14,000 for four years. Chevalashvili – EUR 15,000 for four years. Kasarakin – EUR 15,000 for 6 years. Finally, Bondarev was awarded a compensation of EUR 17,200 for six years and seven months spent in an overcrowded cell.

[27] Mironovas and Others v. Lithuania (40828/12 and others), the judgment of 8 December 2015, § 95.

[28] Ibid., § 96.

[29] Ibid., §§ 99-100.

[30] Compensation for Improper Conditions in the Places of Confinement: Analysis of the Court of Cassation Case Law. Citizens' Watch, 16 August 2022. https://citwatch.org/conditions-in-the-places-of-confinement-court-of-cassation/.

[31] Compensation for Improper Conditions in the Places of Confinement: Evaluating the Effectiveness. Citizens' Watch, 23 March 2022. https://citwatch.org/compensation-for-poor-conditions-in-the-places-of-confinement-evaluating-the-effectiveness/.

Average compensation in 2023

In 2023, the average compensation decreased compared to even 2021 and amounted to RUB 24,300 or 10% of the average compensation under the Law on Compensation.

The court of appeal changed the amount of compensation in 137 cases: most often it increased the amount of compensation (17%), less often decreased it (6%), and more rarely cancelled the awarded compensation (2%). In the two decisions, the court redacted the final amount of compensation, and the texts do not specify whether the appeal increased or decreased the amount of compensation.

Factors that courts take into account when determining the amount of compensation

Judicial practice still does not exhibit clear criteria for determining the amount of compensation, and it is often unclear why the court assessed the claimant's suffering the way it did. As the Supreme Court of Russia points out (see below), such uncertainty may serve as grounds for annulling the decision.

The two factors that the courts sometimes specify are:

- no health effects – 4%
- duration of confinement in improper conditions – 26%

The following factors are found in a few cases:

- striking balance between private and public interests – 0.5%
- young age of the claimant confined in a detention centre – 0.2%.

In general, the amount of compensation seems arbitrary. One of the rulings of the Supreme Court of Russia presents that the lower court calculated the amount of compensation by multiplying RUB 25 by the number of days the claimant spent in improper conditions. The Supreme Court criticised this approach and pointed out that when determining compensation specific circumstances need to be taken into account.

> For 24 days in an overcrowded detention centre,
>
> « *the amount of compensation of RUB 5,000, awarded in favour of the administrative claimant, is excessive, therefore, to strike a balance between private and public interests, and taking into account the principles of reasonableness and fairness, the individual characteristics of the moral suffering of the administrative claimant serving a sentence of imprisonment, as well as the actual circumstances of the case, the compensation awarded to K. should be RUB 3,000* »
>
> *(Appellate judgment of the Sverdlovsk Regional Court No. 33a-17590/2022 of 17 November 2022).*

[32] Appellate judgment of the Altai Regional Court No. 33a-9900/2022 of 21 December 2022.

[33] Cassation judgment of the Supreme Court of Russia No. 72-КАД22-2-К8 of 18 May 2022.

[34] Ibid.

The Sverdlovsk Regional Court when determining the compensation amount aspired to strike the balance between private and public interests[35] and reduced the compensation awarded by the court of first instance by 1.5 times. We consider this practice unacceptable, since in the case of infliction of emotional distress, as in the case of violation of the detention conditions, the public interest is not in preserving the treasury, but in improving the conditions: the administration of the institution of deprivation of liberty will have no incentive to improve the detention conditions if the amount of compensation for their violation is negligible.

Practice of the Supreme Court of Russia

In 2022, we drew attention to one peculiarity of the practice of the Supreme Court, namely that it uses the term "premature" to describe the lower courts' findings which serve as grounds for sending the case for a new trial. We concluded that using this term instead of "proportional" indicates that the grounds for the case's reversal are not the disproportionately small compensation amount, but the court's errors in determining the circumstances relevant to the case and evaluating the evidence.

In 2023, the Supreme Court of Russia no longer called the conclusions of the courts premature. Instead, it gave clear explications, for example, that "the violations were of periodic rather than permanent nature", that the court did not specify the duration of detention in improper conditions,[36] or that the compensation for health damage should be higher.[37] The Supreme Court of Russia also reminded courts to mention the circumstances they take into account when determining compensation.[38] Having listed such violations, the Supreme Court concluded that the lower courts "failed to apply the principle of proper and effective elimination of the violation" and sent the case for a new trial. [39]

[35] Appellate judgments of the Sverdlovsk Regional Court No. 33a-17590/2022 of 17 November 2022 and No. 33a-3589/2022 of 7 April 2022.

[36] Cassation judgment of the Supreme Court of Russia No. 18-КАД22-80-К4 of 1 March 2023.

[37] Cassation judgment of the Supreme Court of Russia No. 29-КАД22-1-К1 of 27 July 2022.

[38] Ibid.

[39] Cassation judgment of the Supreme Court of Russia No. 29-КАД22-1-К1 of 17 July 2022; Cassation judgment of the Supreme Court of Russia No. 72-КАД22-2-К8 of 18 May 2022.

Consideration of Cases under the Civil Procedure Code of Russia instead of the Administrative Code

In 2021, the courts considered cases both under the Civil Procedure Code and the Administrative Code; in 2022, the number of decisions made under the Civil Procedure Code significantly decreased. An incorrect choice in favour of the Civil Procedure Code did not become a reason to quash the judgment, and the claimants had to bear the consequences of such a choice since the average compensation amount under the Civil Procedure Code was lower.

In 2023, the number of cases considered under the Civil Procedure Code dropped even further and amounted to 3 court cases. In these cases, the claimants demanded compensation for moral damage (along with the claim for compensation for violation of the detention conditions or separately). The courts separate the right to compensation for moral damage from the right to compensation for improper detention conditions. For example, in one case the claimant demanded compensation for moral damage. The court of first instance considered the case under Article 227.1 of the Administrative Code, found a violation of the detention conditions, and ordered compensation under Article 227.1 and compensation for moral damage (i.e. two different compensations). The court of appeal quashed the judgement in part of compensation for moral damage, indicating that compensation awarded under Article 227.1 of the Administrative Code of Russia excluded compensation for moral damage.[40] In another case, the court of first instance considered the case under the Administrative Code and in the operative part of the resolution indicated the compensation for moral damage. The appeal "corrected" the operative part, replacing compensation for moral damage with compensation for violation of the detention conditions.[41] The court of appeal justified its decision by the fact that Article 227.1 of the Administrative Code allows not to prove the defendant's guilt and the causal link between the defendant's actions and the harm caused to the claimant.[42]

Compensation for moral damage can be claimed, for example, in case of bad healthcare treatment that caused harm to health[43] or untimely transfer to less restrictive custody.[44] The courts do not consider violation of the deadline for sending correspondence to be worthy of compensation for moral damage.[45] According to the courts, such claims should be filed under Article 227.1 of the Administrative Code as part of violations of detention conditions.[46]

The practice is inconsistent: in one case, the court considered the case on compensation for moral damages for inadequate detention conditions under the civil proceedings, and the court of appeal decided to consider the case under the Administrative Code.[47] In another case with

[40] Appellate judgment of the Samara Regional Court No. 33a-11369/2022 of 15 November 2022.

[41] Appellate judgment of the Supreme Court of the Chuvash Republic No. 33a-1225/2022 of 30 March 2022.

[42] Ibid.

[43] Appellate judgment of the Moscow City Court with missing date and case number.

[44] Appellate judgment of the Supreme Court of the Altai Republic No. 33-523/2023 of 28 June 2023.

[45] Appellate judgment of the Supreme Court of the Chuvash Republic No. 33-300/2022 of 24 January 2022.

[46] E.g., appellate judgment of the Supreme Court of the Chuvash Republic No. 33a-2619/2022 of 6 July 2022.

[47] Appellate judgment of the Supreme Court of the Chuvash Republic No. 33a-1551/2022 of 8 June 2022.

similar circumstances, the appeal decided to stick to the civil proceedings and justified it by the claimant's right to choose the means of defence.[48]

Due to the rarity of cases where the court chose between the Administrative Code and the Civil Procedure Code, it is difficult to assess whether the court's decision to stay within the framework of civil proceedings or switch to the Administrative Code affected the decision on the merits of the claim. In one case it did not, as the court only changed the wording of the operative part from compensation for moral damage to compensation under Article 227.1 of the Administrative Code and upheld the court's conclusions on violation of the detention conditions and the amount of compensation.[49] In another case, even though it was considered under the Administrative Code, the court of appeal in determining the amount of compensation relied upon the norms of the Civil Procedure Code on the compensation for moral damages and it concluded that there were no grounds for compensation despite the established fact of violation of the detention conditions.[50]

« The compensation awarded for violation of detention conditions deprives the person of the right to compensation for moral damages for violation of detention conditions »

(Appellate judgment of the Samara Regional Court No. 33a-11369/2022 of 15 November 2022).

« "...compensation for violation of the detention conditions and compensation for moral damage for violation of the detention conditions are different claims and are to be considered under different proceedings... »

(Appellate judgment of the Supreme Court of the Chuvash Republic No. 33a-1225/2022 of 30 March 2022).

« The Judicial Board notes that the mere violation of the deadline for sending postal correspondence (1 day) cannot constitute an unconditional ground for the compensation for moral damage if the proof of a violation of personal non-property rights is absent »

(Appellate judgment of the Supreme Court of the Chuvash Republic No. 33-300/2022 of 24 January 2022).

[48] Appellate judgment of the Supreme Court of the Altai Republic No. 33-523/2023 of 28 June 2023.
[49] Appellate judgment of the Supreme Court of the Chechen Republic No. 33a-366/2022 of 24 May 2022.
[50] Appellate judgment of the Supreme Court of the Chuvash Republic No. 33-300/2022 of 24 January 2022.

Russian Courts and the ECtHR

Our monitoring in 2021 revealed that the courts rarely take into account the practice of the ECtHR, often showing no understanding of it. In 2022, we concluded that for the justification of the decision, it is irrelevant whether cassation courts mention or don't mention the practice of the ECtHR. If the practice is mentioned, it is mentioned as part of the general legal framework governing compensation for inadequate detention conditions and refers to the explications of the Supreme Court of Russia. In seven decisions of the Supreme Court analysed in this report the Supreme Court never refers to the practice of the ECtHR.

Cases where the ECtHR's position was correctly taken into consideration

In about 4% of the cases (22 decisions) the courts applied the practice of the ECtHR correctly. Russian courts found a violation of the detention conditions taking into account ECtHR judgments in the following cases:

- when a violation had already been established in the same place of deprivation of liberty and in relation to the same claimant;[51]
- in relation to other claimants in a place of deprivation of liberty where the detention conditions have been recognised by the ECtHR as inadequate;[52]
- when Russia recognised a violation of detention conditions in cases considered by the ECtHR that ended in a friendly settlement.[53] The courts referred to the ECtHR to confirm whether a certain type of violation (lack of hot water) is or is not a violation of the detention conditions[54] ("placement of the toilet in a separate unheated room built over a cesspool").[55]

There are examples of court practice where courts relied upon the position of the ECtHR for the calculations necessary to determine whether restrictions related to the very fact of imprisonment exceed the minimum threshold that makes them inhuman. The Supreme Court of the Komi Republic, referring to the ECtHR's position, stated that "places for walks should be sufficiently spacious and, if possible, provide shelter from poor weather conditions", and explained in detail why it did not consider the area of the exercise yards in the Penitentiary Colony No. 1 of the Federal Penitentiary Service of

[51] Appellate judgment of the Moscow City Court No. 33a-3141/2023 of 19 June 2023; Appellate judgment of the Supreme Court of the Komi Republic No. 33a-814/2022 of 24 February 2022.

[52] Appellate judgment of the Moscow City Court No. 33a-1565/2023 of 25 April 2023; Appellate judgment of the Sverdlovsk Regional Court No. 33a-3933/2022 of 5 April 2022.

[53] Appellate judgment of the Sverdlovsk Regional Court No. 33a-3589/2022 of 7 April 2022.

[54] E.g., appellate judgment of the Court of the Nenets Autonomous District No. 33a-3910/2022 of 20 July 2022.

[55] Appellate judgment of the Arkhangelsk Regional Court No. 33a-4338/2022 of 3 August 2022.

Russia for the Komi Republic to be sufficient.[56] In another case, the court complied with the approach of the ECtHR in calculating personal space in the cell, excluding the area occupied by furniture.[57]

The courts have also referred to the ECtHR to clarify the rules on the allocation of the burden of proof. In one of the cases, the court explained that the burden of proof should not be excessive for the claimant and pointed out that the defendant had failed to provide evidence to refute the claimant's arguments for violation of the detention conditions.[58] In another case, the court recalled that financial hardship is not an excuse for failure to fulfil obligations to provide proper detention conditions.[59]

Finally, one court referred to the ECtHR's position on the importance of adequate compensation for suffering in improper conditions and more than doubled the amount of compensation.[60] Nevertheless, it amounted to a ridiculous 4% of the recommended amount of compensation, making the judgment an ineffective remedy.

> *Having examined the arguments of the administrative claimant the court concluded that the natural light in the cells where the prisoner was held was insufficient, and the area of the exercise yard did not allow its use. These circumstances were established by the ruling of the European Court of Human Rights and were not refuted by the evidence of elimination of violations on the part of the administrative defendant*
>
> *(Appellate judgment of the Moscow City Court No. 33a-3141/2023 of 19 June 2023.)*

> *Taking into consideration the floor space of exercise yards and the number of inmates simultaneously using the opportunity to walk there the court concluded that envisaged normative area was not large enough and was not respected*
>
> *(Appellate judgment of the Supreme Court of the Komi Republic No. 33a-1030/2022 of 10 March 2022.)*

[56] Appellate judgment of the Supreme Court of the Komi Republic No. 33a-1030/2022 of 10 March 2022.

[57] Appellate judgments of the Supreme Court of the Republic of Tatarstan; Appellate judgment of the Samara Regional Court No. 33a-8050/2022 of 25 August 2022.

[58] Appellate judgment of the Murmansk Regional Court No. 33a-586-2022 of 24 February 2022.

[59] E.g., appellate judgment of the Supreme Court of the Komi Republic No. 33a-456/2022 of 24 January 2022.

[60] Appellate judgment of the Supreme Court of the Republic of Khakassia No. 33a-1494/2022 of 29 June 2022.

Cases where the practice of the ECtHR was applied incorrectly

In about 5% of the cases (26 decisions) the courts have demonstrated a lack of understanding of the ECtHR's practice. Thus, the courts proclaim the presumption of good faith of state authorities, referring to the ECtHR's judgment of 31 May 2011 on Khodorkovsky's complaint, where the Court allegedly stated that "the entire structure of the Convention is based on the general assumption that public authorities in the Contracting States act in good faith".[61] In fact, the ECtHR's position is taken out of context and perverted: the Court was considering a complaint of a violation of Article 18 of the ECHR, according to which "The restrictions permitted in the present Convention in respect of the rights and freedoms in question shall not be applied for purposes other than those for which they were prescribed". ECtHR indeed formulated a presumption of good faith on the part of public authorities, which pleased the Russian courts, but the ECtHR gives it a different understanding. This presumption implies that public authorities are usually motivated by the aim of protecting national security or the rights and interests of others (e.g., private life), rather than eliminating opposition and any dissent in the country.[62] It is precisely the latter that Article 18 of the ECHR prohibits. It was designed to ensure that the state does not violate human rights under the guise of the aims set out in the Convention. Accordingly, when the ECtHR speaks of the presumption of good faith on the part of public authorities, it means that if the claimant alleges a violation of Article 18 the burden to prove the motive for political persecution is on the claimant.

In another case, the court justified the amount of compensation, which was 5% of the average amount of compensation ordered by the ECtHR, by referring to the principle of subsidiarity, as disclosed by the ECtHR in the judgment on Shmelev's complaint.[63] The principle of subsidiarity is indeed one of the principles of the ECHR and the ECtHR, but it cannot justify a negligible amount of compensation.

In several cases, courts refused to take into account the decisions of the ECtHR that found a violation of the detention conditions in a particular place of confinement, because the ECtHR ruled not in relation to a certain claimant, but in relation to other people who were in the same institution (Penitentiary Colony No. 25 of the Federal Penitentiary Service of Russia for the Volgograd Region).[64]

[61] Appellate judgments of the Supreme Court of the Komi Republic No. 33a-6093/2022 of 5 September 2022 and No. 33a-3622/2022 of 6 June 2022; Appellate judgments of the Astrakhan Regional Court No. 33a-653/2022 of 2 March 2022; Appellate judgments of the Rostov Regional Court No. 33a-2658/2022 of 14 February 2022, No. 33a-1154/2022 of 13 April 2022.

[62] ECtHR's judgement in the case Khodorkovskiy v. Russia (5829/04) of 31 May 2011, § 255.

[63] Appellate judgments of the Supreme Court of the Komi Republic No. 33a-3635/2022 of 23 June 2022, No. 33a-3871/2022 of 20 June 2022, and No. 33a-99/2022 of 27 January 2022.

[64] E.g., appellate judgment of the Volgograd Regional Court No. 33a-7054/2022 of 20 July 2022.

Russian courts also refuse to recognise the practice of the ECtHR, which found that degrading treatment and violation of detention conditions are the following:

- keeping defendants[65] in the courtroom in an iron cage;[66]
- regular practice of handcuffing[67] life prisoners when they move around the place of confinement.

According to the legal position of the European Court of Human Rights expressed in the judgment of 17 March 2020 in the case of Shmelev and Others v. Russia concerning the amount of compensation, in accordance with the principle of subsidiarity, the authorities of the defendant states should be given a wider discretion concerning the implementation of the pilot judgment and in assessing the amount of compensation to be paid. This assessment should be made in a manner consistent with their legal system and traditions and should take account of the standard of living in the country in question, even if this results in the payment of lower amounts than those ordered by the European Court in similar cases.

The Arkhangelsk Regional Court in its judgment referred to the ECtHR's presumption of a violation of Article 3 of the ECHR if the personal space in the place of confinement is less than 3 square meters and indicated that the claimant indeed was held in such conditions, but refused to consider it a violation, referring to the short duration of detention in such conditions and significant time gap between periods of detention in such conditions (the claimant was held in such conditions for 5 days in September and one day in October).[68] The ECtHR clarified that there is no violation if additional conditions are established to compensate for the lack of personal space. Obviously, the duration of detention and the time gap between periods of detention in overcrowded cells have no compensatory value, and therefore cannot be recognised as a ground for remedying the violation of detention conditions.

Another example of misinterpretation of ECtHR's practice is decisions in which courts determine what compensation is "disproportionately small" within the ECtHR's understanding. The court of the Nenets Autonomous District determined that the compensation ordered by the lower court was reasonable, even though it was only 15% of the compensation[69] envisaged by the Law on Compensation. We believe that 15% is "disproportionately small" and not a consistent amount of compensation.

The trend that we noted in 2022, namely when courts refer to the ECtHR's case law to justify the absence of the need to take notice of the amount of compensation, is still in place. Thus, the Supreme Court of the Chuvash Republic stated: "In the judgment of 14 November 2017 in the case of Domjan v. Hungary, the European Court of Human Rights took the legal position that the compensation ordered by the national court, which was approximately 30% of the amount ordered by the European Court of Human Rights, does not appear to be unreasonable or disproportionate."[70] However, the cited judgment of the ECtHR addresses a completely different issue. In this judgment, the ECtHR declared the complaint inadmissible because before appealing to the ECtHR the claimants had not resorted to the national preventive

[65] ECtHR's judgement in the case Svinarenko and Slyadnev v. Russia (32541/08 43441/08) of 17 June 2014.

[66] Appellate judgment of the Volgograd Regional Court No. 33a-4990/2022 of 18 May 2022; Appellate judgment of the Ulyanovsk Regional Court No. 33a-5497/2022 of 14 December 2022.

[67] ECtHR's judgement in the case Shlykov and others v. Russia (78638/11 6086/14 11402/17) of 19 January 2021.

[68] Appellate judgment of the Arkhangelsk Regional Court No. 33a-3461/2022 of 6 July 2022.

[69] Appellate judgment of the Court of the Nenets Autonomous District No. 33a-177/2022 of 29 November.

[70] E.g., Appellate judgment of the Supreme Court of the Chuvash Republic No. 33a-2022/2022 of 30 May 2022. See, also Appellate judgment of the Supreme Court of the Republic of Buryatia No. 33a-2424/2022 of 25 June 2022.

and compensatory mechanisms recently established by Hungary to improve the situation of detention conditions in places of deprivation of liberty.[71] The legal position where compensation of 30% of the amount ordered by the ECtHR is sufficient is presented in a different judgement in the case of Bizjak v. Slovenia to which the ECtHR refers.[72] In the Domjan v. Hungary judgment, the ECtHR gives a preliminary assessment of the Hungarian compensatory remedy, which, unlike the Russian one, provides a "rate" for each day spent in inadequate conditions. Thus, as we emphasised in the last report, the Russian court's reference to the Domjan v. Hungary judgement is incorrect due to the different circumstances of these cases.

The most striking illustration of the Russian court's attitude towards the practice of the ECtHR is the decision of the Supreme Court of the Republic of Buryatia, which recognised the lower court's reference to the ECtHR as illegal since the ECtHR's decisions are no longer binding on Russia.[73]

> *« The district court refers to the legal position of the European Court of Human Rights that if the personal space available to a prisoner in a prison cell does not reach 3 square meters of floor space, this constitutes a violation of the requirements of Article 3 of the Convention on Human Rights and Fundamental Freedoms. These references cannot be taken into account since Federal Law No. 183-FZ of 11 June 2022 excludes the rulings and decisions of the European Court of Human Rights from § 4, part 4, Article 180 of the Administrative Procedure Code of Russia as normative legal acts to which the court may refer in the decision's reasoning »*
>
> *(Appellate judgment of the Supreme Court of the Republic of Buryatia No. 33a-4406/2022 of 15 November 2022.)*

[71] ECtHR's judgement in the case Domjan v. Hungary (5433/17) of 15 November 2017.

[72] See Domjan v. Hungary § 8, and ECtHR's judgement in the case Bizjak v. Slovenia (25516/12).

[73] Appellate judgment of the Supreme Court of the Republic of Buryatia No. 33a-4406/2022 of 15 November 2022.

The right to be heard

In cases of compensation claims, persons deprived of their liberty should be ensured the right to be heard, at least through videoconference.[74] In our report for 2021, we noted that in administrative proceedings, violation of this right can become a ground for quashing a court decision on appeal, but this is not the case in civil proceedings.[75] In the decisions of cassation courts (the subject of our report for 2022),[76] when the claimant's participation in the court hearing is not necessary, there are few mentions about the form of participation of the claimant and his representative in the court hearing, which means that the exercise of the right to be heard is not mandatory.

In 2023, the monitoring showed that the claimant complained about violation of the right to be heard in two court decisions. In one case, the claimant was notified about the court hearing but did not attend it. He complained in the appeal that the trial court failed to provide him with the opportunity to participate through videoconference.[77] The court of appeal found no violation of his right, as he had not applied for participation through videoconference, and the trial court had no obligation to organise a videoconference in the absence of the claimant's application. In another case, the claimant participated in several video sessions, after which the court stopped providing the video calls referring to the lack of technical capability. In this case, the appeal found no violation, too, as it considered the lack of technical capability justified. The court also noted that the claimant participated in the appeal.[78] Since there are only a few decisions on the complaints of violation of the right to be heard, it is difficult to detect any trend.

[74] The Resolution of the Plenum of the Supreme Court of Russia No. 47 of 25 December 2018 "On Certain Issues Encountered by the Courts in Consideration of Administrative Cases pertaining to Violation of Detention Conditions of Persons in Detention Facilities", § 10.

[75] Report for 2021.

[76] Report for 2022.

[77] Appellate judgment of the Bryansk Regional Court No. 33a-2459/2022 of 20 September 2022.

[78] Appellate judgments of the Supreme Court of the Komi Republic No. 33a-4106/2022 of 11 July 2022.

Missing the deadline for filing an administrative claim

Sometimes the courts refuse to accept an administrative claim, referring to the fact that the claimant missed the appeal period because the violation of his rights to decent detention conditions ended 10 years ago when he was released. At the same time, the court does not count three months – the deadline for filing a claim under the Administrative Procedure Code – after the entry into force of Article 227.1 of the Administrative Procedure Code, but notes that the claimant did not file any complaints during the period of imprisonment.[79] There is a contrary practice, where the appeal considers that the deadline for filing a claim should be counted from the moment when the claimant learnt about the violation of their right, for example, after receiving a letter from the Federal Penitentiary Service of Russia with a clarification of legislation on the conditions of detention.[80]

At the same time, the position of the Supreme Court of Russia is quite different. It considers that the limitation period applies neither to administrative claims under Article 227.1 of the Administrative Procedure Code nor to other claims for non-property rights protection.[81]

> *Considering the issue of missing the deadline for appeal, the judicial board notes that in 2022 the administrative claimant received the response from the Federal Penitentiary Service of Russia for the Khabarovsk Region, which provided explanations of the provisions of the current legislation on the joint detention of prisoners. After receiving it the claimant immediately appealed to the court with the present administrative claim, therefore, the court's conclusion that he missed the deadline appears to be incorrect*
>
> *(Appellate judgment of the Sverdlovsk Regional Court No. 33a-6369/2023 of 16 May 2023).*

> *As follows from the second paragraph of Article 208 of the same Code, the limitation period does not apply to claims for the protection of personal non-property rights and other intangible benefits, except in cases provided by law*
>
> *(Cassation judgement of the Supreme Court of the Russian Federation No. 53-КАД22-14-К8 of 26 October 2022).*

[79] Appellate judgment of the Sverdlovsk Regional Court No. 33a-17587/2022 of 29 November 2022.

[80] Appellate judgment of the Sverdlovsk Regional Court No. 33a-6369/2023 of 16 May 2023.

[81] Cassation judgement of the Supreme Court of the Russian Federation No. 53-КАД22-14-К8 of 26 October 2022.

Other issues

Depersonalisation

Depersonalisation of court judgements is striking, and often negates all efforts to publish the judgement, since, for example, data on the amount of ordered compensation or the date of detention in improper conditions are removed from the judgement. Excessive depersonalisation affected 30% of the cases, which made it difficult to analyse them.

Judicial bias

The practice of the Sverdlovsk Regional Court drew our attention due to the signs of bias displayed by the judges. Firstly, in three judgements of the Sverdlovsk Regional Court, the court's preference of the defendant instead of the claimant does not appear justified. In one judgment, the claimant complained about the failure to provide him with a rehabilitation device. The court did not believe the claimant, referring to the evidence in the case – a video and the claimant's receipt of the rehabilitation device – while the claimant said that he was put under pressure.[82] The court rejected this argument, stating there was no evidence of the claimant's position. It seems that in a situation where the claimant is not free to obtain evidence and is literally in the hands of the defendant, the court should have independently verified the claimant's arguments. In two other cases,[83] the first instance found violations and the appeal cancelled the decisions, stating that it trusted the defendant without justifying the reasons for such trust.

> «*...the conclusion of the Public Monitoring Commission of the Sverdlovsk Region dated 5 March 2022 appears to be debatable, since it lacks information on technical means of measurement, their compliance with the established requirements, conditions and specific locations in the premises where the measurements were taken*
>
> *(Appellate judgment of the Sverdlovsk Regional Court No. 33a-1555/2023 of 7 February 2023).*»

Secondly, the Sverdlovsk Regional Court has a contradictory practice in relying on the evidence collected by public commissions. There are two court decisions where the opinion of such a commission is accepted as evidence[84] and five decisions where the court does not trust its findings, indicating, for example, that it

[82] Appellate judgment of the Sverdlovsk Regional Court No. 33a-14337/2022 of 11 October 2022.

[83] Appellate judgments of the Sverdlovsk Regional Court No. 33a-8614/2022 of 7 July 2022 and No. 33a-2879/2023 of 21 February 2022.

[84] Appellate judgments of the Sverdlovsk Regional Court No. 33a-7192/2023 of 25 May 2023 and No. 33a-14645/2022 of 13 October 2022.

is unclear what kind of devices were used to record the low temperature in the cells.[85]

The right to communicate with relatives

The right to communicate with relatives does not classify as detention conditions but as an exercise of the right to private life. Nevertheless, Russian courts consider claims for compensation for violation of this right under Article 227.1 of the Administrative Procedure Code and often find violations. For example, the Moscow City Court considered 13 cases with claims for compensation for violations of the right to communicate with relatives. For prisoners, the only means of keeping contact with their relatives was written correspondence. In the vast majority of the cases (10 out of 13), the Moscow City Court sided with the claimant and ordered the defendant to transfer the prisoner closer to the place of residence of their relatives, and ordered compensation.

[85] Appellate judgments of the Sverdlovsk Regional Court No. 33a-1802/2023 of 9 February 2022, No. 33a-474/2023 of 17 January 2023, No. 33a-1934/2023 of 7 February 2023, No. 33a-1555/2023 of 7 February 2023, and No. 33a-1556/2023 of 31 January 2023.

Conclusion

For the third year, we have been monitoring the effectiveness of the compensatory remedy created by the Russian legislators as part of the implementation of ECtHR judgments recognising inadequate conditions of detention. As part of the monitoring, we have found that the main problem with the compensatory remedy is extremely low amounts of compensation ordered by the courts either compared to that ordered by the ECtHR in similar circumstances or compared to the amount envisaged by the legislators when drafting the Law. In 2023, the average amount of compensation in the 561 decisions we analysed decreased compared to the previous monitoring periods amounting to RUB 24,300 or 10% of the average amount of compensation under the Law on Compensation.

70% of court decisions were upheld on appeal, indicating the consistency of the existing judicial practice.

Most often, detention conditions are violated due to the dilapidated buildings of places of confinement and the lack of repairs, while previously found violations are not eliminated. This has two consequences. Firstly, courts may refer to ECtHR's judgements that have already established violations of the detention conditions in a particular place of deprivation of liberty. Secondly, the decisions of Russian courts on compensation for inadequate conditions do not lead to a change in these conditions, even though Russian courts, in addition to awarding compensation, also recognise the actions or omissions of the administration of the place of deprivation of liberty as unlawful and oblige them to remedy the violations. For example, in one case, the claimant appealed to the court for the second time complaining about the lack of hot water supply in the Penitentiary Colony No. 6 of the Federal Penitentiary Service of Russia for the Khabarovsk Region. Despite the court's decision in favour of the claimant, hot water was not provided in the cell, and in 2023 the Supreme Court of the Republic of Tyva acknowledged that "there is no effective means to improve the conditions of detention".

Taking the ECtHR's position into account by the courts does not necessarily lead to a correct decision, as Russian courts often misinterpret it. For example, in one case, the court of appeal justified the amount of compensation, which was 5% of the average amount designated by the Russian legislators, by referring to the principle of subsidiarity mentioned by the ECtHR in the Shmelev and Others v. Russia judgment of 17 March 2020. Russian courts have also proclaimed a presumption of good faith on the part of state authorities, referring to the ECtHR's judgment on Khodorkovsky's complaint of 31 May 2011. Finally, we found one judgement where the Supreme Court of the Republic of Buryatia recognised the lower court's reference to the ECtHR as unlawful since the ECtHR's decisions are no longer binding on Russia under Russian law.

Another problem with how the courts apply the compensatory remedy is the lack of consistency in terms of applying the rules of compensation for moral harm to compensation claims for inadequate detention conditions. The reviewed case law showed that the courts are undecided:

1. whether it is possible to claim compensation for moral harm in addition to compensation for inadequate detention conditions;
2. whether the claimant has the freedom to choose the means of defence, or the court should choose the appropriate type of proceedings (civil proceedings for compensa-

tion for moral harm or administrative proceedings for compensation for inadequate conditions);

3. whether compensation claims for inadequate detention conditions are subject to the norm of the absence of a statute of limitations, as in the case of compensation claims for moral harm.

In general, the low amount of compensation against the consistent judicial practice on this issue and heterogeneity of judicial practice in matters of application of rules on compensation for moral harm to claims filed under Article 227.1 of the Administrative Code of Russia, indicate the ineffectiveness of the compensatory remedy.

Recommendations

It is recommended to the Supreme Court of Russia:

- to clarify to Russian courts the procedure for determining the amount of compensation, and bring to their notice that the average amount of compensation is RUB 231,000;
- to clarify to Russian courts that if other violations were found along with improper detention conditions, compensation should be granted in a larger amount. Such violations may include the improper provision of medical care, unjustified video surveillance, inadequate transport and escort conditions, unreasonable handcuffing when taken out of the cell and marking of clothing of life-sentenced prisoners, and other violations that go beyond the interpretation of the "detention conditions" formulated in the ECtHR's practice;
- to clarify to Russian courts the meaning and procedure for applying the legal positions of the ECtHR regarding video surveillance in places of deprivation of liberty, transport and escort, and defendants being kept in iron cages in the courtroom.
- to clarify that to the claims for compensation for harm caused by the violation of detention conditions, the same rules apply as to claims for violation of non-property rights, including non-application of the limitation period, as well as the rule on the correlation between compensatory remedy and compensation for moral harm.

It is recommended to the courts of general jurisdiction:

- to take into account that the average amount of compensation for improper detention conditions is RUB 231,000;
- not to trust the statements of the prison administration and order a forensic examination of the detention conditions;
- to acknowledge that confinement in an iron cage violates human dignity;
- to acknowledge that unjustified video surveillance violates the right to privacy;
- to acknowledge that even if the transport conditions comply with the current Russian legislation they may be regarded as degrading and, therefore, exceeding the minimum acceptable level of suffering over the deprivation of liberty.

It is recommended to the Committee of Ministers of the Council of Europe:

- to counsel Russia to take measures to clarify to the courts the rules for ordering compensation for improper detention conditions, at least based on the average amount of compensation of RUB 231,000 envisaged in the Law on Compensation;
- to counsel Russia to take measures to clarify to the courts the obligation to take into account the legal positions of the ECtHR according to their content and to avoid altering their spirit and meaning.

Appendices

List of places of confinement where the detention conditions were the subject of court decisions that we analysed in this monitoring

Altai Region

- Temporary Detention Center of the Department of the Ministry of Internal Affairs of Russia for Kalmansky District of the Altai Region
- Detention Center of the Intermunicipal Department of the Ministry of Internal Affairs of Russia “Kulundinsky” for the Altai Region
- Intermunicipal Department of the Ministry of Internal Affairs of Russia “Aleysky” of the Altai Region
- Intermunicipal Department of the Ministry of Internal Affairs of Russia “Slavgorodsky” of the Altai Region
- Penitentiary Colony Settlement No. 2 of the Federal Penitentiary Service of Russia for the Altai Region
- Detention Center No. 1 of the Federal Penitentiary Service of Russia for the Altai Region
- Detention Center No. 2 of the Federal Penitentiary Service of Russia for the Altai Region

Altai Republic

- Penitentiary Colony No. 1 of the Federal Penitentiary Service of Russia for the Altai Region

Arkhangelsk Region

- Penitentiary Colony No. 1 of the Federal Penitentiary Service of Russia for the Arkhangelsk Region
- Penitentiary Colony No. 4 of the Federal Penitentiary Service of Russia for the Arkhangelsk Region
- Penitentiary Colony No. 16 of the Federal Penitentiary Service of Russia for the Arkhangelsk Region
- Penitentiary Colony No. 21 with Special Conditions of the Economic Activity of the Federal Penitentiary Service of Russia for the Arkhangelsk Region
- Penitentiary Colony No. 29 of the Federal Penitentiary Service of Russia for the Arkhangelsk Region
- Detention Center No. 1 of the Federal Penitentiary Service of Russia for the Arkhangelsk Region
- Detention Center No. 3 of the Federal Penitentiary Service of Russia for the Arkhangelsk Region
- Detention Center No. 4 of the Federal Penitentiary Service of Russia for the Arkhangelsk Region

Astrakhan Region

- Department of the Ministry of Internal Affairs of Russia for Ikryaninsky District of the Astrakhan Region
- Penitentiary Colony No. 1 of the Federal Penitentiary Service of Russia for the Astrakhan Region
- Penitentiary Colony No. 2 of the Federal Penitentiary Service of Russia for the Astrakhan Region

- Detention Center No. 1 of the Federal Penitentiary Service of Russia for the Astrakhan Region
- Detention Center No. 2 of the Federal Penitentiary Service of Russia for the Astrakhan Region

Republic of Buryatia

- Departments of the Ministry of Internal Affairs of Russia for the Bauntovsky Evenki District of the Republic of Buryatia

Chelyabinsk Region

- Penitentiary Colony No. 25 of the Federal Penitentiary Service of Russia for the Chelyabinsk Region
- Detention Center No. 4 of the Federal Penitentiary Service of Russia for the Chelyabinsk Region

Chuvash Republic

- Leninsky District Court of Cheboksary
- Penitentiary Colony No. 3 of the Federal Penitentiary Service of Russia for the Chuvash Republic
- Penitentiary Colony No. 9 of the Federal Penitentiary Service of Russia for the Chuvash Republic
- Detention Center No. 2 of the Federal Penitentiary Service of Russia for the Chuvash Republic

Irkutsk Region

- Penitentiary Colony No. 19 of the Federal Penitentiary Service of Russia for the Irkutsk Region

Ivanovo Region

- Penitentiary Colony No. 2 of the Federal Penitentiary Service of Russia for the Ivanovo Region
- Penitentiary Colony No. 4 of the Federal Penitentiary Service of Russia for the Ivanovo Region

Jewish Autonomous Region

- Intermunicipal Department of the Ministry of Internal Affairs of Russia “Leninsky” for Jewish Autonomous Region

Kaliningrad Region

- Penitentiary Colony No. 9 of the Federal Penitentiary Service of Russia for the Kaliningrad Region

Republic of Kalmykia

- Penitentiary Colony No. 2 of the Federal Penitentiary Service of Russia for the Republic of Kalmykia

Kamchatka Region

- Penitentiary Colony No. 6 of the Federal Penitentiary Service of Russia for the Kamchatka Region

Republic of Karelia

- Detention Center of the Intermunicipal Department of the Ministry of Internal Affairs of Russia “Kandalakshsky” for the Republic of Karelia
- Temporary Detention Center of the Department of the Ministry of Internal Affairs of Russia for Medvezhegorsk district of the Republic of Karelia
- Temporary Detention Center of the Directorate of the Ministry of Internal Affairs of Russia for Petrozavodsk of the Republic of Karelia
- Department of the Ministry of Internal Affairs of Russia for Kemsky District of the Republic of Karelia
- Medical and Preventive Treatment Facility “Republican Hospital No. 2” of the Federal Penitentiary Service of Russia for the Republic of Karelia
- Penitentiary Colony No. 1 of the Federal Penitentiary Service of Russia for the Republic of Karelia
- Penitentiary Colony No. 7 of the Federal Penitentiary Service of Russia for the Republic of Karelia
- Penitentiary Colony No. 9 of the Federal Penitentiary Service of Russia for the Republic of Karelia
- Detention Center No. 1 of the Federal Penitentiary Service of Russia for the Republic of Karelia

- Detention Center No. 2 of the Federal Penitentiary Service of Russia for the Republic of Karelia
- Correction Center No. 1 of the Federal Penitentiary Service of Russia for the Republic of Karelia

Kemerovo Region

- Penitentiary Colony No. 41 of the Federal Penitentiary Service of Russia for the Kemerovo Region

Khabarovsk Region

- Penitentiary Colony No. 6 of the Federal Penitentiary Service of Russia for the Khabarovsk Region

Khanty-Mansi Autonomous Region

- Temporary Detention Center of the Department of the Ministry of Internal Affairs of Russia for Urai of the Khanty-Mansi Autonomous Region

Kirov Region

- Penitentiary Colony No. 6 of the Federal Penitentiary Service of Russia for the Kirov Region
- Penitentiary Colony No. 29 with Special Conditions of the Economic Activity of the Federal Penitentiary Service of Russia for the Kirov Region
- Detention Center No. 1 of the Federal Penitentiary Service of Russia for the Kirov Region
- Directorate for Escort of the Federal Penitentiary Service of Russia for the Kirov Region

Komi Republic

- State Budgetary Healthcare Institution “Ukhtinskaya City Polyclinic” of the Komi Republic
- Temporary Detention Center of the Department of the Ministry of Internal Affairs of Russia for Inta of the Komi Republic
- Temporary Detention Center of the Department of the Ministry of Internal Affairs of Russia for Pechora of the Komi Republic
- Temporary Detention Center of the Department of the Ministry of Internal Affairs of Russia for Udorsky District of the Komi Republic
- Department of the Ministry of Internal Affairs of Russia for Syktyvkar of the Komi Republic
- Medical and Preventive Treatment Facility “Hospital No. 18” of the Federal Penitentiary Service of Russia for the Komi Republic
- Penitentiary Colony No. 1 of the Federal Penitentiary Service of Russia for the Komi Republic
- Penitentiary Colony No. 8 of the Federal Penitentiary Service of Russia for the Komi Republic
- Penitentiary Colony No. 19 of the Federal Penitentiary Service of Russia for the Komi Republic
- Penitentiary Colony No. 22 of the Federal Penitentiary Service of Russia for the Komi Republic
- Penitentiary Colony No. 24 of the Federal Penitentiary Service of Russia for the Komi Republic
- Penitentiary Colony No. 25 of the Federal Penitentiary Service of Russia for the Komi Republic
- Penitentiary Colony No. 29 of the Federal Penitentiary Service of Russia for the Komi Republic
- Penitentiary Colony No. 31 of the Federal Penitentiary Service of Russia for the Komi Republic
- Penitentiary Colony No. 35 of the Federal Penitentiary Service of Russia for the Komi Republic
- Penitentiary Colony No. 49 of the Federal Penitentiary Service of Russia for the Komi Republic

- Penitentiary Colony No. 51 with Special Conditions of the Economic Activity of the Federal Penitentiary Service of Russia for the Komi Republic
- Penitentiary Colony Settlement No. 34 of the Federal Penitentiary Service of Russia for the Komi Republic
- Penitentiary Colony Settlement No. 51 of the Federal Penitentiary Service of Russia for the Komi Republic
- Detention Center No. 1 of the Federal Penitentiary Service of Russia for the Komi Republic
- Detention Center No. 2 of the Federal Penitentiary Service of Russia for the Komi Republic
- Detention Center No. 3 of the Federal Penitentiary Service of Russia for the Komi Republic
- Directorate for Escort of the Federal Penitentiary Service of Russia for the Komi Republic

Kostroma Region

- Penitentiary Colony No. 4 of the Federal Penitentiary Service of Russia for the Kostroma Region
- Detention Center No. 1 of the Federal Penitentiary Service of Russia for the Kostroma Region

Krasnodar Region

- Detention Center No. 1 of the Federal Penitentiary Service of Russia for the Krasnodar Region

Krasnoyarsk Region

- Intermunicipal Department of the Ministry of Internal Affairs of Russia "Berezovsky" of the Krasnoyarsk Region
- Intermunicipal Administration of the Ministry of Internal Affairs of Russia "Krasnoyarskoe" for the Krasnoyarsk Region
- Penitentiary Colony No. 5 of the Federal Penitentiary Service of Russia for the Krasnoyarsk Region
- Detention Center No. 1 of the Federal Penitentiary Service of Russia for the Krasnoyarsk Region
- Detention Center No. 3 of the Federal Penitentiary Service of Russia for the Krasnoyarsk Region
- Prison of the Federal Penitentiary Service of Russia for the Krasnoyarsk Region
- Department of the Ministry of Internal Affairs of Russia for Norilsk of the Krasnoyarsk Region

Kurgan Region

- Penitentiary Colony No. 2 of the Federal Penitentiary Service of Russia for the Kurgan Region

Kursk Region

- Penitentiary Colony No. 2 of the Federal Penitentiary Service of Russia for the Kursk Region

Magadan Region

- Detention Center No. 1 of the Federal Penitentiary Service of Russia for the Magadan Region

Republic of Mordovia

- Penitentiary Colony No. 5 of the Federal Penitentiary Service of Russia for the Republic of Mordovia
- Medical Penitentiary Facility No. 19 of the Federal Penitentiary Service of Russia for the Republic of Mordovia
- Detention Center No. 2 of the Federal Penitentiary Service of Russia for the Republic of Mordovia

Moscow

- Main Directorate of the Ministry of Internal Affairs for the City of Moscow
- Main Department of Transport of the Ministry of Internal Affairs of Russia for Moscow
- Main Directorate of the National Guard in Moscow
- Line Department of the Ministry of Internal Affairs of Russia at Moscow-Leningradskaya station
- Line Department of the Ministry of Internal Affairs of Russia at the Vnukovo airport

- Special Detention Facility No. 2 of the Department of the Ministry of Internal Affairs of Russia in Moscow

Murmansk Region

- Penitentiary Colony No. 16 of the Federal Penitentiary Service of Russia for the Murmansk Region
- Penitentiary Colony No. 18 of the Federal Penitentiary Service of Russia for the Murmansk Region
- Penitentiary Colony No. 23 of the Federal Penitentiary Service of Russia for the Murmansk Region
- Penitentiary Colony Settlement No. 20 of the Federal Penitentiary Service of Russia for the Murmansk Region
- Detention Center No. 1 of the Federal Penitentiary Service of Russia for the Murmansk Region
- Detention Center No. 2 of the Federal Penitentiary Service of Russia for the Murmansk Region
- Temporary Detention Center of the Murmansk Region of the Ministry of Internal Affairs of Russia of Closed Administrative Territorial Entities – the cities of Severomorsk and Ostrovnoy of the Murmansk Region
- Temporary Detention Center of the Department of the Ministry of Internal Affairs of Russia for Kolsky District of the Murmansk Region
- Intermunicipal Department of the Ministry of Internal Affairs of Russia "Polarnozorinsky" for the Murmansk Region
- Department of the Ministry of Internal Affairs of Russia for Pechengsky District of the Murmansk Region
- Police Department of the Kovdorsky District of the Intermunicipal Department of the Ministry of Internal Affairs of Russia "Polarnozorinsky" for the Murmansk Region

Nenets Autonomous Region

- Directorate of the Ministry of Internal Affairs of Russia for Nenets Autonomous Region

Nizhny Novgorod Region

- Penitentiary Colony No. 11 of the Federal Penitentiary Service of Russia for the Nizhny Novgorod Region
- Penitentiary Colony No. 15 of the Federal Penitentiary Service of Russia for the Nizhny Novgorod Region
- Detention Center No. 1 of the Federal Penitentiary Service of Russia for the Nizhny Novgorod Region
- Detention Center No. 3 of the Federal Penitentiary Service of Russia for the Nizhny Novgorod Region

Novgorod Region

- Penitentiary Colony No. 9 of the Federal Penitentiary Service of Russia for the Novgorod Region
- Detention Center No. 1 of the Federal Penitentiary Service of Russia for the Novgorod Region

Novosibirsk Region

- Detention Center of the Intermunicipal Department of the Ministry of Internal Affairs of Russia "Barabinsky" for the Novosibirsk Region
- Detention Center No. 2 of the Federal Penitentiary Service of Russia for the Novosibirsk Region

Orenburg Region

- Penitentiary Colony No. 6 of the Federal Penitentiary Service of Russia for the Orenburg Region

Penza Region

- Penitentiary Colony No. 4 of the Federal Penitentiary Service of Russia for the Penza Region
- Detention Center No. 1 of the Federal Penitentiary Service of Russia for the Penza Region

Perm Region

- Separate Battalion for Guarding and Escort of Suspects and Accused Persons of the Directorate of the Ministry of Internal Affairs of Russia for Perm Region

- Directorate of the Ministry of Internal Affairs of Russia for Perm Region
- Penitentiary Colony No. 37 of the Federal Penitentiary Service of Russia for the Perm Region

Primorsky Region
- Detention Center No. 3 of the Federal Penitentiary Service of Russia for the Primorsky Region

Rostov Region
- Penitentiary Colony No. 9 of the Federal Penitentiary Service of Russia for the Rostov Region
- Penitentiary Colony No. 15 of the Federal Penitentiary Service of Russia for the Rostov Region
- Detention Center No. 4 of the Federal Penitentiary Service of Russia for the Rostov Region
- Detention Center No. 5 of the Federal Penitentiary Service of Russia for the Rostov Region

Saint Petersburg and Leningrad Region
- Detention Center No. 1 of the Federal Penitentiary Service of Russia for Saint Petersburg and the Leningrad Region
- Detention Center No. 4 of the Federal Penitentiary Service of Russia for Saint Petersburg and the Leningrad Region

Republic of Sakha
- Penitentiary Colony No. 3 of the Federal Penitentiary Service of Russia for the Republic of Sakha
- Penitentiary Colony No. 7 of the Federal Penitentiary Service of Russia for the Republic of Sakha

Samara Region
- Federal Medical Care Institution Regional Somatic Hospital of the Federal Penitentiary Service of Russia for the Samara Region
- Penitentiary Colony No. 29 of the Federal Penitentiary Service of Russia for the Samara Region
- Detention Center No. 1 of the Federal Penitentiary Service of Russia for the Samara Region

Saratov Region
- Penitentiary Colony No. 7 of the Federal Penitentiary Service of Russia for the Saratov Region
- Penitentiary Colony No. 13 of the Federal Penitentiary Service of Russia for the Saratov Region
- Penitentiary Colony No. 33 of the Federal Penitentiary Service of Russia for the Saratov Region
- Detention Center No. 1 of the Federal Penitentiary Service of Russia for the Saratov Region

Stavropol Region
- Detention Center No. 1 of the Federal Penitentiary Service of Russia for the Stavropol Region

Sverdlovsk Region
- Main Directorate of the Ministry of Internal Affairs of Russia for Sverdlovsk region
- Temporary Detention Center of the Ministry of Internal Affairs of Russia “Kamyshlovsky” of the Sverdlovsk region
- Intermunicipal Department of the Ministry of Internal Affairs of Russia “Asbestovsky” of the Sverdlovsk Region
- Intermunicipal Department of the Ministry of Internal Affairs of Russia “Verkhnepyshminsky” of the Sverdlovsk Region
- Department of the Ministry of Internal Affairs of Russia for Pervouralsk of the Sverdlovsk Region
- Premises Functioning as a Pretrial Detention Centre of the Penitentiary Colony No. 54 of the Federal Penitentiary Service of Russia for the Sverdlovsk Region

- Penitentiary Colony No. 3 of the Federal Penitentiary Service of Russia for the Sverdlovsk Region
- Penitentiary Colony No. 10 of the Federal Penitentiary Service of Russia for the Sverdlovsk Region
- Penitentiary Colony No. 12 of the Federal Penitentiary Service of Russia for the Sverdlovsk Region
- Penitentiary Colony No. 19 of the Federal Penitentiary Service of Russia for the Sverdlovsk Region
- Penitentiary Colony No. 24 of the Federal Penitentiary Service of Russia for the Sverdlovsk Region
- Penitentiary Colony No. 26 of the Federal Penitentiary Service of Russia for the Sverdlovsk Region
- Penitentiary Colony No. 47 of the Federal Penitentiary Service of Russia for the Sverdlovsk Region
- Penitentiary Colony No. 53 of the Federal Penitentiary Service of Russia for the Sverdlovsk Region
- Penitentiary Colony No. 54 of the Federal Penitentiary Service of Russia for the Sverdlovsk Region
- Penitentiary Colony No. 56 of the Federal Penitentiary Service of Russia for the Sverdlovsk Region
- Medical Penitentiary Facility No. 51 of the Federal Penitentiary Service of Russia for the Sverdlovsk Region
- Detention Center No. 1 of the Federal Penitentiary Service of Russia for the Sverdlovsk Region
- Detention Center No. 2 of the Federal Penitentiary Service of Russia for the Sverdlovsk Region
- Detention Center No. 3 of the Federal Penitentiary Service of Russia for the Sverdlovsk Region
- Detention Center No. 5 of the Federal Penitentiary Service of Russia for the Sverdlovsk Region
- 2nd Division for Escort of the 5th Department for Escort “Department for Escort of the Federal Penitentiary Service of Russia for the Sverdlovsk Region”

Tambov Region

- Penitentiary Colony No. 1 of the Federal Penitentiary Service of Russia for the Tambov Region
- Penitentiary Colony No. 4 of the Federal Penitentiary Service of Russia for the Tambov Region
- Penitentiary Colony No. 8 of the Federal Penitentiary Service of Russia for the Tambov Region

Republic of Tatarstan

- Temporary Detention Center of the Directorate of the Ministry of Internal Affairs of Russia for Naberezhnye Chelny of the Republic of Tatarstan
- Penitentiary Colony No. 5 of the Federal Penitentiary Service of Russia for the Republic of Tatarstan
- Penitentiary Colony No. 19 of the Federal Penitentiary Service of Russia for the Republic of Tatarstan
- Detention Center No. 2 of the Federal Penitentiary Service of Russia for the Republic of Tatarstan
- Detention Center No. 3 of the Federal Penitentiary Service of Russia for the Republic of Tatarstan
- Detention Center No. 4 of the Federal Penitentiary Service of Russia for the Republic of Tatarstan
- Detention Center No. 5 of the Federal Penitentiary Service of Russia for the Republic of Tatarstan

Tyumen Region

- Detention Center No. 1 of the Federal Penitentiary Service of Russia for the Tyumen Region

Ulyanovsk Region

- Penitentiary Colony No. 10 of the Federal Penitentiary Service of Russia for the Ulyanovsk Region

Vladimir Region

- Penitentiary Colony No. 6 of the Federal Penitentiary Service of Russia for the Vladimir Region
- Detention Center No. 1 of the Federal Penitentiary Service of Russia for the Vladimir Region
- Institution “Prison No. 2” of the Federal Penitentiary Service of Russia for the Vladimir Region

Volgograd Region

- Penitentiary Colony No. 25 of the Federal Penitentiary Service of Russia for the Volgograd Region

Vologda Region

- Penitentiary Colony No. 4 of the Federal Penitentiary Service of Russia for the Vologda Region
- Penitentiary Colony No. 12 of the Federal Penitentiary Service of Russia for the Vologda Region

Voronezh Region

- Detention Center No. 1 of the Federal Penitentiary Service of Russia for the Voronezh Region

Yamalo-Nenets Autonomous Region

- Department of the Ministry of Internal Affairs of Russia for Noyabrsk of the Yamalo-Nenets Autonomous Region
- Penitentiary Colony No. 18 of the Federal Penitentiary Service of Russia for the Yamalo-Nenets Autonomous Region

Yaroslavl Region

- Penitentiary Colony No. 3 of the Federal Penitentiary Service of Russia for the Yaroslavl Region
- Penitentiary Colony No. 8 of the Federal Penitentiary Service of Russia for the Yaroslavl Region
- Detention Center No. 1 of the Federal Penitentiary Service of Russia for the Yaroslavl Region
- Directorate for Escort of the Federal Penitentiary Service of Russia for the Yaroslavl Region

Yekaterinburg

- Temporary Detention Center of the Directorate of the Ministry of Internal Affairs of Russia for Yekaterinburg
- Detention Room of the Directorate of the Ministry of Internal Affairs of Russia for Yekaterinburg
- Directorate of the Ministry of Internal Affairs of Russia for Yekaterinburg

Medical Care Facilities

- District Hospital of the Medical Care Facility No. 36 of the Federal Penitentiary Service of Russia
- Medical Care Facility No. 10 of the Federal Penitentiary Service of Russia
- Medical Care Facility No. 11 of the Federal Penitentiary Service of Russia
- Medical Care Facility No. 27 of the Federal Penitentiary Service of Russia
- Medical Care Facility No. 29 of the Federal Penitentiary Service of Russia
- Medical Care Facility No. 51 of the Federal Penitentiary Service of Russia
- Medical Care Facility No. 52 of the Federal Penitentiary Service of Russia
- Medical Care Facility No. 53 of the Federal Penitentiary Service of Russia
- Medical Care Facility No. 66 of the Federal Penitentiary Service of Russia
- Medical Care Facility No. 68 of the Federal Penitentiary Service of Russia
- Medical Care Facility No. 78 of the Federal Penitentiary Service of Russia