



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

THIRD SECTION

CASE OF MUKHAMETOV AND OTHERS v. RUSSIA

(Applications nos. 53404/18 and 3 others - see appended list)

JUDGMENT

Art 8 • Family life • Lack of safeguards against abuse in domestic law concerning investigators' decisions on petitions for prisoner family visits

Art 5 § 3 • Excessive length of pre-trial detention amounting to over one and a half years

STRASBOURG

14 December 2021

FINAL

14/03/2022

This judgment has become final under Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Mukhametov and Others v. Russia,

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

Georges Ravarani, *President*,

Georgios A. Serghides,

Dmitry Dedov,

María Elósegui,

Anja Seibert-Fohr,

Peeter Roosma,

Frédéric Krenc, *judges*,

and Milan Blaško, *Section Registrar*,

Having regard to:

the applications (see Appendix I below) 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 four Russian nationals (“the applicants”) on the dates indicated in Appendix I;

the decision to give notice to the Russian Government (“the Government”) of the complaints concerning the refusals of family visits, the alleged ineffectiveness of judicial review, the applicants’ absence from the appeal hearings and the allegedly excessive length of the pre-trial detention in application no. 53404/18 and to declare inadmissible the remainder of the applications;

the parties’ observations;

Having deliberated in private on 23 November 2021,

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

INTRODUCTION

1. The case concerns the refusals to allow family visits in pre-trial detention facilities. It also concerns the alleged ineffectiveness of judicial review proceedings and the applicants’ absence from the appeal hearings in those proceedings.

THE FACTS

2. The Russian Government (“the Government”) were represented by Mr M. Galperin, the then Representative of the Russian Federation to the European Court of Human Rights, and lately by Mr M. Vinogradov, his successor in that office.

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

4. The applicants were defendants in criminal proceedings. They were arrested and placed in pre-trial detention. They were detained in remand prison SIZO-1 in Kazan.

5. Mr Mukhametov's pre-trial detention was ordered on 18 October 2017 by the Vakhitovskiy District Court of Kazan and extended at regular intervals until his conviction on 26 April 2019. The detention orders of 7 December 2017, 8 June, 7 August and 7 December 2018 referred mainly to the gravity of the charges and to the risk that the defendant might flee the trial or otherwise obstruct the course of justice.

6. All the applicants asked for short-term family visits to see members of their families. The investigator in charge of the criminal case refused their requests by reference to section 18 of the Defendants' Detention Act (see paragraph 12 below).

7. The applicants challenged the refusals in the procedure established under Article 125 of the Code of Criminal Procedure (CCrP) (see paragraph 16 below), complaining that the investigator's decisions adversely affected their private and family life.

8. The courts rejected the challenges (see Appendix I for the dates and names of the courts). Referring to Ruling no. 1 of 10 February 2009 of the Plenary of the Supreme Court of Russia, they found that the investigator's decisions were not amenable to judicial review under Article 125 of CCrP because they were not "connected to the pre-trial prosecution" and did not "bar access to the court". In some decisions, the courts indicated that the challenge concerned in substance the applicants' conditions of detention and the prison regime, that is to say the matters which fell outside the scope of review under Article 125 of the CCrP. The courts did not hold hearings while examining the applicants' challenges.

9. The Supreme Court of Tatarstan upheld the lower courts' decisions on appeal (for the dates, see Appendix I). It endorsed their conclusions, mentioning, in some decisions, that Chapter 22 of the Code of Administrative Procedure provided for the possibility of challenging decisions and acts by the public authorities. The applicants were not present at some of the hearings before the Supreme Court of Tatarstan.

10. On 26 April 2019, the Privolzhskiy Military Court convicted the applicants of organising and participating in a terrorist organisation and sentenced them to different terms of imprisonment.

11. On 24 September 2019, the Supreme Court of Russia upheld the judgment of 26 April 2019 on appeal.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

I. DEFENDANTS' DETENTION ACT

12. Section 18 of the Defendants' Detention Act (Federal Law no. 103-FZ of 15 July 1995) provides as follows:

“Subject to written authorisation from the official or authority in charge of the criminal case, suspects and defendants may have no more than two visits per month from their family members and other persons ...”

II. CASE-LAW OF THE CONSTITUTIONAL COURT

13. The Constitutional Court held that the refusal of a petition for a prison visit should take the form of a reasoned decision (*мотивированное постановление*). It could be challenged before a supervising prosecutor or a court of general jurisdiction which would be called upon to verify, in the light of factual circumstances of the case, whether or not the refusal was justified (see decisions no. 176-O of 13 June 2002, no. 351-O of 16 October 2003, and no. 807-O-O of 17 June 2010).

14. In its decision no. 256-O of 24 May 2005, the Constitutional Court reiterated its conclusions formulated previously in ruling no. 5-P of 23 March 1999 (cited in *Vlasov v. Russia*, no. 78146/01, § 75, 12 June 2008), and its decision no. 298-O of 21 December 2001, according to which all decisions by the investigative authorities affecting constitutional rights and freedoms, including refusals of prison visits from family members, should be amenable to judicial review, provided that examination of their lawfulness and justification would not prejudice the merits of the criminal case.

III. CODE OF CRIMINAL PROCEDURE

15. Chapter 16 of the Code of Criminal Procedure (“the CCrP”) comprises Articles 123 to 127 and lays down the procedure by which parties to criminal proceedings can challenge the acts or omissions of an inquirer, investigator, prosecutor or court.

16. Article 125 of the CCrP provides for a judicial review of decisions and acts or omissions by an investigator or a prosecutor which are capable of adversely affecting the constitutional rights or freedoms of the participants to criminal proceedings. The lodging of a complaint does not suspend the challenged decision or act unless the investigator or the prosecutor decides otherwise. The court must examine the complaint within five days. The complainant, his counsel, the investigator and the prosecutor are entitled to attend the hearing. The complainant must substantiate his complaint. Following the examination of the complaint, the court either declares the challenged decision, act or failure to act unlawful or insufficiently reasoned (*“необоснованный”*) and instructs the official responsible to rectify the identified shortcoming, or dismisses the complaint (Article 125 § 5 of the CCrP).

IV. THE SUPREME COURT'S GUIDANCE

17. Pursuant to Ruling no.1 of 10 February 2009, of the Plenary Supreme Court of the Russian Federation, when instructing the official to rectify the shortcoming established in accordance with Article 125 § 5 of the CCrP, the court may not indicate any specific measures to be taken by the official or set aside, or require the official to set aside, the decision which was found to be unlawful or insufficiently reasoned (point 21). If the court decision adopted under Article 125 of the CCrP is not enforced by the investigating authorities, the complainant has the right to lodge a complaint about their failure to act (point 20).

V. CODE OF ADMINISTRATIVE PROCEDURE

18. Chapter 22 of the CAP (Articles 218 to 228 – in force since 15 September 2015) governs proceedings whereby individuals challenge decisions and actions by the public authorities. The Chapter 22 procedure is not applicable if the decisions and actions are being reviewed in another judicial procedure (Article 218 § 6).

19. Courts shall examine the lawfulness of a challenged decision (Article 226 § 8). Their scope of review is not confined to the claimant's arguments. They must assess, in particular, whether the rights and freedoms of the claimant were breached, whether domestic authorities acted *ultra vires*, and whether the correct grounds and procedure were used for adopting the decision (Article 226 §§ 9 and 10).

20. Courts may pronounce the challenged decision unlawful, in full or in part and indicate, where necessary, the remedial measures to be taken by the authority concerned (Article 227 § 2). The court may set a time-limit for remedying the violation or the specific steps which need to be taken to remedy the violation in full (Article 227 § 3). The court decision has to be dispatched on the day of its entry into force (Article 227 § 7). The court and the complainant must be notified of the enforcement of the decision no later than one month after its receipt (Article 227 § 9).

THE LAW

I. JOINDER OF THE APPLICATIONS

21. 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 ARTICLE 8 OF THE CONVENTION

22. The applicants complained of a violation of Article 8 of the Convention on account of the refusal of their petitions for visits from their family members. Referring to Article 6 of the Convention, they also complained that the domestic courts had refused to examine the merits of their complaints against the investigator's decisions to refuse those petitions. The Court, being master of the characterisation to be given in law to the facts of a case, considers that these complaints should be examined solely from the perspective of Article 8 of the Convention which reads as follows:

“1. Everyone has the right to respect for his ... family life ...

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

A. Admissibility

1. *Submissions by the parties*

(a) **The Government**

23. The Government submitted that since 2008 the Court had held the view that section 18 of the Defendants' Detention Act failed to meet the quality-of-law requirements and that the Russian law did not offer prisoners any safeguards against arbitrary refusal of prison visits (they referred to *Vlasov v. Russia*, no. 78146/01, §§ 123-27, 12 June 2008; *Moiseyev v. Russia*, no. 62936/00, §§ 248-251, 9 October 2008; *Tereshchenko v. Russia*, no. 33761/05, §§ 135-137, 5 June 2014; and *Andrey Smirnov v. Russia*, no. 43149/10, §§ 39-43, 13 February 2018). Accordingly, the applicants should have been aware that there was no remedy to be exhausted prior to submitting their complaints to the Court. It followed that the six-months period should be calculated from the dates of the investigator's refusals to authorise family visits rather than from the dates of the decisions adopted in the review proceedings under Article 125 of CCrP. Therefore, the complaints by Mr Mukhametov, Mr Arkhipov, and Mr Yakubov were belated.

24. In the alternative, the Government submitted that the domestic courts refused to examine the merits of the applicants' complaints because Article 125 of the CCrP was designed to address procedural violations occurring during the investigation of the criminal case rather than those relating to the conditions of pre-trial detention. Referring to Ruling no. 47 of 25 December 2018 of the Plenary of the Supreme Court, the Government argued that the applicants should have availed themselves of the remedy

provided for in Chapter 22 of the CAP which enabled the domestic courts to examine complaints about the conditions of detention. They indicated that Ruling no. 256-O of the Constitutional Court cited by Mr Mukhametov did not indicate the appropriate procedure for conducting judicial review of the investigator's decisions and thus could not be relied upon for the purposes of choosing the procedure to follow.

(b) The applicants

25. Mr Mukhametov, Mr Arkhipov and Mr Yakubov argued that the impossibility to obtain family visits constituted a "continuing situation" which was to last until the situation complained of had ceased to exist. Having been lodged with the Court within six months of the date on which a family visit had been eventually granted or the date on which a request for such visits was refused, their complaints were not belated.

26. Mr Mukhametov and Mr Arkhipov further submitted that they had availed themselves of the remedy provided for in Article 125 of the CCRP which they considered to be effective. Mr Mukhametov relied on the Constitutional Court's case-law cited in paragraph 14 above. Mr Mukhametov and Mr Yakubov further submitted that Ruling no. 47 of 25 December 2018 of the Plenary of the Supreme Court to which the Government referred was not applicable to their situation as it was adopted after the facts that had given rise to their applications. Referring to Ruling no. 5-P of the Constitutional Court of Russia (see paragraph 14 above), Mr Arkhipov argued that the domestic courts should have examined the merits of his complaints lodged under Article 125 of the CCRP. He pointed out that the letters notifying the investigator's refusals to grant family visits indicated that they were amenable to an appeal in accordance with Chapter 16 of the CCRP (see paragraph 15 above) and submitted a copy of the letter of 3 April 2018. Mr Zagiyeu argued that, at the material time, he was not aware of the possibility to use the procedure provided for in Chapter 22 of the CAP. In particular, the investigator's decisions of 25 June and 7 September 2018 did not indicate the procedure to be followed in order to challenge those decisions.

2. The Court's assessment

(a) General principles as to the exhaustion of domestic remedies and calculation of six months

27. The Court reiterates that the requirements contained in Article 35 § 1 of the Convention concerning the exhaustion of domestic remedies and the six-month period are closely interrelated, since they are not only combined in the same Article, but also expressed in a single sentence whose grammatical construction implies such a correlation (see *Lopes de Sousa Fernandes v. Portugal* [GC], no. 56080/13, § 130, 19 December 2017).

Consequently, as a rule, the six-month period runs from the date of the final decision in the process of exhaustion of domestic remedies. Article 35 § 1 cannot therefore be interpreted in a manner which would require an applicant to inform the Court of his complaint before his position in connection with the matter has been finally settled at the domestic level, otherwise the principle of subsidiarity would be breached. However, this provision allows only remedies which are normal and effective to be taken into account as an applicant cannot extend the strict time-limit imposed under the Convention by seeking to make inappropriate or misconceived applications to bodies or institutions which have no power or competence to offer effective redress for the complaint at issue under the Convention. Determining whether a domestic procedure constitutes an effective remedy within the meaning of Article 35 § 1, which an applicant must exhaust and which should therefore be taken into account for the purposes of the six-month time-limit, depends on a number of factors, notably the applicant's complaint, the scope of the obligations of the State under that particular Convention provision, the available remedies in the respondent State and the specific circumstances of the case (*ibid.*, §§ 131-132 and 134).

(b) Application of the above principles in the present case

28. The Court has found that decisions by investigators and judges refusing petitions for family visits constitute separate instances of interference with the applicants' right to respect for family life (see *Chaldayev v. Russia*, no. 33172/16, § 49, 28 May 2019). Unlike restrictions on the frequency of family visits and special security arrangements during such visits (*ibid.*, §§ 54-55), specific refusals by an investigator of an application for family visits do not constitute a "continuing situation".

29. The Court further notes that the Constitutional Court's decision requiring that the refusals of family visits be reasoned and amenable to review has not been given full effect and that clear and accessible rules for initiating and conducting such review have not been established in domestic law (see *Kungurov v. Russia*, no. 70468/17, § 25, 18 February 2020, as regards the refusal to grant a family visit issued by a judge in the form of a non-procedural letter).

(i) Article 125 of the CCrP

30. As regards the judicial review available under Article 125 of the CCrP, the Court notes the Government's argument that this avenue did not constitute an effective remedy in the circumstances (see paragraph 23 above). It also notes that the domestic courts have found that the investigator's decisions were not amenable to judicial review under Article 125 of CCrP because they were not "connected to the pre-trial prosecution" and did not "bar access to the court" (see paragraphs 8 and 9 above).

31. The Court recalls that, in order to be effective, a remedy must enable the domestic authority examining the case to consider the substance of the Convention complaint (see, among many others, *Glas Nadezhda EOOD and Elenkov v. Bulgaria*, no. 14134/02, § 69, 11 October 2007, and the cases cited therein). It was not demonstrated before the Court that the domestic courts were required to examine the issue of whether the “interference” was “necessary in a democratic society”, in particular whether the contested actions answered a pressing social need and were proportionate to any legitimate aims pursued, principles which lie at the heart of the analysis of complaints relating to Article 8 of the Convention (see *Smith and Grady v. the United Kingdom*, nos. 33985/96 and 33986/96, § 138, ECHR 1999-VI, and *Konstantin Moskalev v. Russia*, no. 59589/10, § 31, 7 November 2017).

32. In view of the above considerations, the Court finds that, as regards investigator’s decisions to refuse family visits, a judicial review complaint under Article 125 of the CCrP is not an effective remedy to be exhausted.

33. However, the Court will examine whether, in the circumstances of the present case, there was a possibility that the applicants, unaware of circumstances which rendered the remedy used by them ineffective, still complied with the six-month rule by availing themselves of the judicial review procedure under Article 125 of the CCrP. Indeed, it has previously accepted applications where the applicants have not exhausted this remedy in similar circumstances (see, among the recent examples, *Andrey Smirnov*, cited above, §§ 34 and 39-43). Nevertheless, it has also accepted that Article 125 of the CCrP constituted an effective remedy in cases where justified procedural decisions could be reviewed by the domestic courts (see, for instance, *Lutskevich v. Russia*, nos. 6312/13 and 60902/14, §§ 50-52, 15 May 2018, concerning an investigator’s decision not to open a criminal investigation into the applicant’s complaint of ill-treatment).

34. Given the uncertainty as to the effectiveness of this remedy as such – and taking into account the case-law of the Constitutional Court providing for the right to seek judicial review of the restrictions on prison visits (see paragraph 13 above) – the Court considers that it should clarify its approach to the applicants in the present case who should be accorded the benefit of the doubt and not be reproached for their attempt to bring their grievances to the attention of the domestic courts through the remedies which they mistakenly considered effective (see, for a comparable approach in the context of procedural decisions authorising secret surveillance, *Zubkov and Others v. Russia*, nos. 29431/05 and 2 others, §§ 100-10, 7 November 2017).

35. As Mr Arkhipov, Mr Zagiev and Mr Yakubov submitted their complaints under Article 8 of the Convention within the six-months period after their complaints for judicial review under Article 125 of the CCrP were rejected on appeal by the Supreme Court of Tatarstan, these

complaints were not belated. By contrast, Mr Mukhametov's complaint concerned the investigator's refusal of 27 December 2017 and was introduced more than six months after his challenge against it had been finally rejected by the Supreme Court of Tatarstan on 20 February 2018. Therefore, this part of his complaint under Article 8 of the Convention was submitted out of time and must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

(ii) *Chapter 22 of the CAP*

36. On the alternative procedure under Chapter 22 of the CAP, the Court notes that the scope of the domestic courts' review in that procedure is substantially larger in so far as they have the power to indicate the measures to be taken by the authorities in order to remedy a breach of the domestic law (see paragraphs 18-20 above). The Court's evaluation of the effectiveness of that remedy will depend on its accessibility and availability, as well as on its effectiveness in practice in similar circumstances (compare with *Shmelev and Others v. Russia* (dec.), nos. 41743/17 and others, §§ 136-139, 17 March 2020).

37. In the present case, the Government did not provide any court decision showing that judicial review under Chapter 22 of the CAP had been successfully applied for by an individual in the applicants' situation. The Court also notes that Ruling no. 47 of 25 December 2018 of the Plenary of the Supreme Court to which the Government referred in its submissions (see paragraph 24 above) concerns issues arising during examination by the domestic courts of the complaints about conditions of detention but not of the refusals of family visits by an investigator. Thus, in the circumstances of the present case, the Court is unable to conclude that the judicial review under Chapter 22 of the CAP constitutes an effective remedy which has to be exhausted.

(c) **Conclusion**

38. The Court notes that the remainder of the complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It further notes that is not inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

39. The Court reiterates that a refusal of family visits amounts to interference with the right to respect for family life within the meaning of Article 8 of the Convention (see *Moiseyev*, cited above, § 247). It remains to be seen whether the interference was "in accordance with the law", pursued

one or more of the legitimate aims listed in paragraph 2 and was also “necessary in a democratic society”.

40. The investigator’s decisions refusing the applicants’ petitions for visits from their relatives referred to section 18 of the Defendants’ Detention Act (see paragraph 6 above). The Court has held on many occasions that section 18 of the Defendants’ Detention Act falls short of the quality-of-law requirements because it confers unfettered discretion on the authority dealing with the criminal case in the matter of family visits without defining the circumstances in which a visit could be refused. That provision does not set out the purposes for which prison visits may be restricted, the length of the measure or the reasons that could warrant its application. It does not require the official or authority to give any reasons for the refusal or even to issue any formal decision which would be amenable to review. The Court has held that a legal provision which does not define the scope of the discretion or the manner of its exercise deprives the prisoner of the minimum degree of protection against arbitrariness or abuse to which citizens are entitled under the rule of law in a democratic society (see *Vlasov*, §§ 123-27; *Moiseyev*, §§ 248-51; *Andrey Smirnov*, §§ 40-42; *Chaldayev*, §§ 60-62; *Kungurov*, §§ 18-19, all cited above; *Resin v. Russia*, no. 9348/14, §§ 36-38, 18 December 2018; and *Pavlova v. Russia*, no. 8578/12, §§ 24-26, 18 February 2020).

41. Regard being had to the case-law cited above, the Court finds that the refusals of family visits in the instant case were not “in accordance with law”. In the light of this finding, it is not necessary to assess whether the other conditions set out in paragraph 2 of Article 8 have been complied with.

42. The foregoing considerations are sufficient to enable the Court to conclude that there has been a violation of Article 8 of the Convention.

III. ALLEGED VIOLATION OF ARTICLE 5 § 3 OF THE CONVENTION

43. Mr Mukhametov (application no. 53404/18) complained under Article 5 § 3 of the Convention that his pre-trial detention had been excessively long and not founded on sufficient grounds. Article 5 § 3 provides as follows:

“Everyone arrested or detained in accordance with the provisions of paragraph 1 (c) of this Article shall be ... entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.”

44. The Government did not submit observations on the admissibility and merits of this complaint.

A. Admissibility

45. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

46. The Court observes that the general principles regarding the right to trial within a reasonable time or to release pending trial, as guaranteed by Article 5 § 3 of the Convention, have been stated in a number of its previous judgments (see, among many other authorities, *Kudła v. Poland* [GC], no. 30210/96, § 110, ECHR 2000-XI, and *McKay v. the United Kingdom* [GC], no. 543/03, §§ 41-44, ECHR 2006-X, with further references).

47. In the present case, the applicant's detention during the trial amounted to one year, six months and seven days. When extending the applicant's detention, the domestic courts consistently relied on the gravity of the charges and the likelihood that the applicant would abscond or obstruct justice (see paragraph 5 above).

48. In the leading cases of *Dirdizov v. Russia* (no. 41461/10, 27 November 2012) and *Zherebin v. Russia* (no. 51445/09, 24 March 2016), the Court already found a violation in respect of issues similar to those in the present case.

49. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the merits of this complaint. Having regard to its case-law on the subject, the Court considers that in the instant case the length of the applicant's pre-trial detention was excessive.

50. There has accordingly been a violation of Article 5 § 3 of the Convention.

IV. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

51. The applicants complained that the hearings before the Supreme Court of Tatarstan related to their appeals of the investigators' refusal to allow family visits had been held in their absence. They referred to Article 6 § 1 of the Convention, which reads as follows:

“In the determination of his civil rights and obligations ... everyone is entitled to a fair ... hearing ... by [a] ... tribunal ...”

52. The Government submitted that Mr Mukhametov was able to follow the proceedings by a video link on 7 and 11 May 2018. At the hearing on 28 September 2018, he was represented by his counsel. Mr Arkhipov,

Mr Zagieyev and Mr Yakubov had not asked for leave to appear before the Supreme Court of Tatarstan.

53. Having regard to the facts of the case, the submissions of the parties, and its findings under Article 8 of the Convention, the Court considers that it has examined the main legal questions raised in the present case, and that there is no need to give a separate ruling on the admissibility and merits of the above-mentioned complaint (compare *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

V. APPLICATION OF ARTICLE 41 OF THE CONVENTION

54. 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.”

55. The applicants claimed the amounts indicated in Appendix II below.

56. The Government considered the amounts claimed excessive.

57. The Court awards the applicants the amounts indicated in Appendix II below, plus any tax that may be chargeable to the applicants.

58. 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 complaint under Article 5 § 3 in respect of Mr Mukhametov (application no. 53404/18) concerning the length of his pre-trial detention, the complaint under Article 8 of the Convention in respect of Mr Arkhipov, Mr Zagieyev and Mr Yakubov and the complaint under Article 8 of the Convention in respect of Mr Mukhametov (application no. 53404/18) concerning the refusals of family visits of 2 and 15 March, 11 May, 3 June, 2 July and 14 November 2018 admissible and the remainder of this complaint inadmissible;
3. *Holds* that there has been a violation of Article 8 of the Convention in respect of each applicant;
4. *Holds* that there has been a violation of Article 5 § 3 of the Convention in respect of Mr Mukhametov;

5. *Holds* that there is no need to examine the admissibility and merits of the complaint under Article 6 § 1 of the Convention as regards the applicants' absence from the hearings before the Supreme Court of Tatarstan;
6. *Holds*
 - (a) that the respondent State is to pay the applicants, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the amounts indicated in Appendix II, to be converted into the currency of the respondent State at the rate applicable at the date of settlement, plus any tax that may be chargeable to the applicants;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
7. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 14 December 2021, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

{signature_p_2}

Milan Blaško
Registrar

Georges Ravarani
President

APPENDIX I

No.	Case name Application no. Lodged on	Applicant Year of Birth Place of Residence	Represented by	Relevant information
1.	Mukhametov v. Russia 53404/18 02/11/2018	Irek Nasimovich MUKHAMETOV 1988 Spiridonovka	Anna MARALYAN	Investigator's refusals to grant family visits adopted on 27/12/2017, 02/03/2018, 15/03/2018, 11/05/2018, 03/06/2016, 02/07/2018 and 14/11/2018. Challenges against the investigator's refusals rejected by the Vakhitovskiy District Court of Kazan on 28/12/2017, 28/03/2018, 02/04/2018, 24/05/2018, 21/06/2018, 07/08/2018 and 03/12/2018, upheld on appeal by the Supreme Court of Tatarstan on 20/02/2018, 11/05/2018, 11/05/2018, 10/07/2018, 03/08/2018, 28/09/2018 and 12/02/2019.
2.	Arkhipov v. Russia 54006/18 08/11/2018	Ruslan Alekseyevich ARKHIPOV 1995 Nizhniye Vyazovyye	Oksana Vladimirovna PREOBRAZHENSKAYA	Investigator's refusals to grant family visits adopted on 14/12/2017, 14/03/2018 and 19/03/2018. Challenge against the investigator's refusals rejected by the Sovetskiy District Court of Kazan on 12/04/2018, upheld on appeal by the Supreme Court of Tatarstan on 05/06/2018.
3.	Zagiyev v. Russia 58730/18 30/11/2018	Azat Ilgizovich ZAGIYEV 1990 Prudy	Yekaterina Viktorovna YEFREMOVA	Investigator's refusals to grant family visits adopted on 25/06/2018 and 07/09/2018. Challenges against the investigator's refusals rejected by the Vakhitovskiy District Court of Kazan on 09/07/2018 and 25/09/2018, upheld on appeal by the Supreme Court of Tatarstan on 09/11/2018.

MUKHAMETOV AND OTHERS v. RUSSIA JUDGMENT

No.	Case name Application no. Lodged on	Applicant Year of Birth Place of Residence	Represented by	Relevant information
4.	Yakubov v. Russia 12604/19 16/02/2019	Zafar Nabiyeovich YAKUBOV 1984 Kazan	Olga Vladimirovna DRUZHKOVA	Investigator's refusals to grant family visits adopted on 29/06/2018, 19/11/2018 and 07/06/2019. Challenges against the investigator's refusals rejected by the Vakhitovskiy District Court of Kazan on 11/07/2018, 07/12/2018 and 20/06/2019, upheld on appeal by the Supreme Court of Tatarstan on 17/08/2018, 25/01/2019 and 26/07/2019.

APPENDIX II

Application no.	Applicants' claims for just satisfaction (Article 41 of the Convention)		The Court's award	
	Non-pecuniary damage	Costs and expenses	Non-pecuniary damage	Costs and expenses
53404/18	100,000 euros (EUR)	EUR 1,800	EUR 4,500 (four thousand five hundred euros)	EUR 1,100 (one thousand one hundred euros) to be paid to the representative
54006/18	EUR 12,000	EUR 2,300 and 12,180 Russian roubles (RUB)	EUR 3,500 (three thousand five hundred euros)	EUR 1,100 (one thousand one hundred euros) to be paid to the representative
58730/18	EUR 10,000	EUR 2,500	EUR 3,500 (three thousand five hundred euros)	EUR 250 (two hundred and fifty euros) to be paid to the representative
12604/19	EUR 18,000	EUR 2,000	EUR 3,500 (three thousand five hundred euros)	EUR 1,100 (one thousand one hundred euros) to be paid to the representative