

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

FIFTH SECTION

CASE OF CHERTOK v. HUNGARY

(Application no. 53130/20)

JUDGMENT

STRASBOURG

5 March 2026

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



In the case of Chertok v. Hungary,

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

María Elósegui, President,
Gilberto Felici,
Diana Sârcu*, judges*,

and Sophie Piquet, Acting Deputy Section Registrar,

Having regard to:

the application (no. 53130/20) against Hungary lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 9 November 2020 by a Russian national, Mr Dmitriy Vladimirovich Chertok ("the applicant"), who was born in 1972 and lives in Moscow and who was represented by Ms E. Frank, a lawyer practising in Budapest;

the decision to give notice of the complaints concerning Article 5 § 1 and Article 5 § 4 of the Convention to the Hungarian Government ("the Government"), represented by their Agent, Mr Z. Tallódi, of the Ministry of Justice and to declare inadmissible the remainder of the application;

the parties' observations;

Having deliberated in private on 12 February 2026,

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

SUBJECT MATTER OF THE CASE

1. The application concerns the applicant's protracted extradition detention and the failure to review the lawfulness of his detention at reasonable intervals.

2. On 8 July 2019 the applicant, a Russian citizen, was arrested on the Romanian-Hungarian border under an international arrest warrant issued by the Russian authorities on charges of fraud.

3. On 10 July 2019 he was placed in provisional extradition detention by the Budapest High Court.

4. The Hungarian Ministry of Justice received an extradition request from Russia on 14 August 2019.

5. During the subsequent extradition proceedings the Budapest High Court repeatedly asked the Russian authorities to give various guarantees and to provide additional information about the accusations and ongoing criminal proceedings against the applicant in Russia and about how he would be treated in the event of his extradition. The first inquiry was sent to the Russian authorities on 10 July 2019, but their response was incomplete. The Budapest High Court sent further inquiries on 9 September 2019, 28 October 2019 and 18 November 2019, to which the Russian authorities replied on 17 December 2019. Following a hearing on 28 January 2020 the Budapest High Court made a further request for information to the Russian authorities.

In the absence of a response, the Budapest High Court repeated its questions on 26 March 2020 and 11 June 2020. The Russian authorities replied on 12 June 2020 and, following the hearing in the Budapest High Court on 28 June 2020.

6. On 7 July 2020 the Budapest High Court found that the conditions for the applicant's extradition were met and ordered his extradition detention. It found that on the basis of the information provided by the Russian authorities it could not be established that the applicant was being prosecuted for his political views, which would have prevented his extradition. Pursuant to section 22 (3) of Act no. XXXVIII of 1996 on International Mutual Legal Assistance in Criminal Matters the applicant's extradition detention started on 14 August 2019, when the Hungarian Minister of Justice received an arrest warrant from the Russian authorities. Under section 22 (1) of the same Act, extradition detention may last for six months, and it may be extended for a further six months. As six months had already passed since 14 August 2019, the Budapest High Court extended the applicant's extradition detention for a further six months, to 14 August 2020.

7. On 7 August 2020 the decision of the Budapest Hight Court was upheld by the Budapest Court of Appeal.

8. The applicant unsuccessfully challenged the decisions in the Constitutional Court. The Constitutional Court found his complaint inadmissible because it had no jurisdiction to review the decisions.

9. On 10 August 2020 the applicant applied for asylum, claiming that the Russian authorities were seeking his extradition for political reasons, because of his activities as a journalist and advisor for foreign investment companies.

10. On 12 August 2020 the Budapest High Court found that the applicant's detention had been extended to accommodate the asylum process, but that it could not exceed 24 months and therefore could not continue beyond 8 July 2021.

11. The processing of the applicant's asylum claim started on 13 August 2020. The applicant was interviewed on the same day. Between October 2020 and 19 January 2021 the asylum authority collected information from the Ministry of Justice about the extradition proceedings, from the Constitution Protection Office about the national security risk posed by the applicant, and country information from its Documentation Centre.

12. On 3 February 2021 the asylum authority rejected the applicant's asylum claim. It noted that the general 60-day deadline for the examination of the applicant's request should have expired on 12 October 2020: however, as the processing time did not include the time taken by the authorities to obtain expert opinions and to translate the application and other documents, the deadline expired instead on 15 February 2021.

13. The applicant challenged this decision in the Budapest High Court, which dismissed his challenge on 27 April 2021. He lodged an application for review with the *Kúria*.

14. According to the Government, on 10 June 2021 the *Kúria* informed the Ministry of Justice that it had rejected the application for judicial review as inadmissible. The Government also submitted that on 2 July 2021 the applicant had filed a new asylum application, which was rejected by the asylum authority on 7 July 2021.

15. On 8 July 2021 the applicant was extradited to Russia.

16. Under Articles 5 § 1 (f) and 5 § 4 of the Convention the applicant complains about the domestic courts' failure to properly assess whether his prosecution by Russia had an ulterior political motive and to prevent a potential human rights violation were he to be extradited to Russia; about the excessive length of his extradition detention; and about the lack of any opportunity for review of the lawfulness of his continuing detention at reasonable intervals.

THE COURT'S ASSESSMENT

I. ALLEGED VIOLATION OF ARTICLE 5 § 1 OF THE CONVENTION

17. The general principles concerning the lawfulness of detention pending extradition have been summarised in *Shiksaitov v. Slovakia*, nos. 56751/16 and 33762/17, §§ 53-56, 10 December 2020.

18. The applicant claimed that the domestic courts did not properly assess whether his prosecution was politically motivated or whether his human rights would be respected if he were extradited to Russia. The Court notes that there is no indication that the domestic courts' procedures did not conform to the substantive and procedural rules of national law, or that the process was in any way arbitrary. The Budapest High Court and the Court of Appeal duly assessed whether there were any legal obstacles to the applicant's extradition, including the political offence exception (see paragraph 6 above), and found that the conditions for the applicant's extradition were met. In these circumstances, the Court considers that there appears to have been no violation of Article 5 § 1 (f) of the Convention by the treatment by the domestic courts of the request for the extradition of the applicant.

19. As regards the applicant's complaint about the length of his extradition detention, the Court notes that the applicant was arrested on 8 July 2019 and extradited to Russia on 8 July 2021. The extradition proceedings therefore lasted two years, which is the statutory limit for the overall duration of detention pending extradition under domestic law.

20. The Court does not find the overall duration of the extradition proceedings and the consequent period of detention of the applicant to have been excessive, despite its considerable length. In particular, between 10 July 2019 and 7 August 2020, two courts took decisions on the applicant's extradition. Even though the proceedings in the first-instance court lasted for

nearly a year, that was because the court took active and appropriate steps, in the interests of the applicant, to obtain from the Russian authorities any information necessary for it to reach a well-founded decision on the extradition request (see paragraph 5 above). The appeal court decided within a month. However, as a result of the applicant's asylum application, his detention was extended for a further year during which the asylum authority assessed and rejected his asylum claim (see paragraphs 11 and 12 above), the Budapest Court of Appeal decided his appeal against the rejection decision, the *Kúria* examined his application for a review and the asylum authority again rejected his claim for asylum.

21. In view of the above, the Court considers that even if the extradition proceedings could have been dealt with more quickly, the domestic authorities were not inactive and there were good reasons why the proceedings were so protracted. There does not appear to have been any violation of Article 5 § 1 (f) of the Convention in the present case (see *Eid v. Italy* (decision), no. 53490/99, 22 January 2002; and compare and contrast *Gallardo Sanchez v. Italy*, no. 11620/07, §§ 43-51, ECHR 2015; and *Quinn v. France*, 22 March 1995, §§ 48-49, Series A no. 311).

22. It follows that this part of the application is manifestly ill-founded and must be rejected pursuant to Article 35 §§ 3 and 4 of the Convention.

II. ALLEGED VIOLATION OF ARTICLE 5 § 4 OF THE CONVENTION

23. The Court does not find the applicant's complaint of a violation of Article 5 § 4 of the Convention to be 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.

24. The general principles concerning the right to judicial supervision of detention and whether it is lawful have been summarized in *Khlaifia and Others v. Italy* [GC], no. 16483/12, §§ 128-31, 15 December 2016.

25. The applicant complained under Article 5 § 4 of the Convention that he had not been able to obtain judicial review of the lawfulness of his extradition detention at regular intervals.

26. The Court observes that the applicant could have obtained judicial review of his detention by appealing against the orders of the Budapest High Court of 10 July 2019 for his provisional extradition detention, of 7 July 2020 for his extradition detention and of 12 August 2020 for the extension of his extradition detention in view of his asylum claim. In his appeal against the decision of 10 July 2019, the applicant asked to be released, with or without conditions, but his appeal was unsuccessful. There is no indication that he appealed against the other two court orders.

27. However, regardless of any appeal, for a considerable time the applicant was held in detention pending extradition without any judicial

review of the lawfulness of that detention (see *Ismoilov and Others v. Russia*, no. 2947/06, § 146, 24 April 2008). The applicant's provisional extradition detention was ordered on 10 July 2019. It was almost a year later, on 7 July 2020, that the Budapest High Court decided again on his detention. It then ordered the applicant's extradition detention and at the same time extended that detention, mostly retrospectively, by an additional six months, to 14 August 2020. Similarly, no review of the applicant's extradition detention took place between 12 August 2020, when the Budapest High Court extended the applicant's detention until his asylum claim was determined, and 8 July 2021, when the applicant was extradited to Russia. The Court notes that with effect from 1 January 2022 domestic law makes detention pending extradition subject to mandatory judicial review every six months from the date the detention began or was extended, if the detention was extended because of an ongoing asylum claim (section 14/B of the Act on International Mutual Legal Assistance in Criminal Matters). As stated in the explanatory memorandum to the amendment of 1 January 2022, the mandatory review was introduced because of the uncertain duration of asylum proceedings and, consequently, of any detention pending extradition that was extended because of an asylum claim.

28. The foregoing considerations are sufficient for the Court to conclude that there has been a violation of Article 5 § 4 of the Convention with regards to the applicant's detention in view of his extradition.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

29. The applicant claimed 10,039.41 euros (EUR) in respect of pecuniary damage, corresponding to the costs incurred in connection with his detention, his request to be placed under house arrest in a rented apartment and the travel and accommodation costs of his wife when visiting him in Budapest.

30. The applicant also sought EUR 232,000 in respect of non-pecuniary damage for the allegedly inhuman conditions of his detention, for the alleged deterioration of his eyesight in prison, for the loss of his job and of the reputation of his business and for having no opportunity to use his property and assets during his detention, for the disruption to his family life and for the lack of supervision of the guarantees given by the Russian authorities.

31. Finally, the applicant also claimed EUR 107,980.75 in respect of the costs and expenses incurred domestically, before the Commission for the Control of INTERPOL's Files and before the Court. In support of his claims he submitted copies of contracts for the legal and translation services.

32. The Government submitted that the applicant's claims were excessive.

33. The Court observes that the only basis on which just satisfaction can be awarded in the present case relates to the failure to ensure sufficiently regular judicial review of the applicant's detention pending his extradition to

Russia. As the Court does not discern any causal link between the violation found and the pecuniary damage alleged, it rejects this claim.

34. It awards the applicant EUR 3,900 in respect of non-pecuniary damage, plus any tax that may be chargeable to him.

35. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these have been actually and necessarily incurred, are reasonable as to quantum and relate to the violation found. In the present case, regard being had to the documents in its possession and the above criteria, the Court considers it reasonable to award the applicant the total sum of EUR 6,000, plus any tax that may be chargeable to him, in respect of the costs and expenses incurred before the domestic authorities and the Court.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaints concerning Article 5 § 4 of the Convention admissible and the remainder of the application inadmissible;

2. *Holds* that there has been a violation of Article 5 § 4 of the Convention;

3. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the following amounts**,** to be converted into the currency of the respondent State**,** at the rate applicable at the date of settlement:
      (i) EUR 3,900 (three thousand nine hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
      (ii) EUR 6,000 (six thousand euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
   (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;

4. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 5 March 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Sophie Piquet Acting Deputy Registrar	María Elósegui President