

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

FIRST SECTION

CASE OF KRÁTKY v. SLOVAKIA

(Application no. 59217/21)

JUDGMENT

STRASBOURG

13 March 2025

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



In the case of Krátky v. Slovakia,

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

Georgios A. Serghides*, President*,
Alena Poláčková,
Alain Chablais*, judges*,
and Liv Tigerstedt, *Deputy Section Registrar,*

Having regard to:

the application (no. 59217/21) against the Slovak Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 23 November 2021 by a Slovak national, Mr Dominik Krátky ("the applicant"), who was born in 1991, is detained in Banská Bystrica and was represented by Ms A. Kokavcová, a lawyer practising in Bratislava;

the decision to give notice of the complaints under Article 5 §§ 3 and 4 of the Convention concerning the length, alleged arbitrariness of pre-trial detention and the alleged lack of speediness and impartiality in the review of the lawfulness of that detention to the Government of the Slovak Republic ("the Government"), represented by their Agent, Ms M. Bálintová, and to declare the remainder of the application inadmissible;

the parties' observations;

the decision to reject the Government's objection to the examination of the application by a Committee;

Having deliberated in private on 13 February 2025,

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

SUBJECT MATTER OF THE CASE

1. The case concerns the justification for the applicant's pre-trial detention and an alleged lack of speediness and impartiality in detention proceedings.

2. On 6 March 2017 the applicant was arrested and later remanded in custody pending trial on drug trafficking charges. Further charges were subsequently added on a number of occasions, including a charge of murder.

3. On 3 June 2019 the applicant asked to be released from detention.

4. On 12 June 2019 the Specialised Criminal Court dismissed his request.

5. On 26 June 2019 the Supreme Court dismissed the applicant's appeal against that decision, holding that his detention was necessary because he was a flight risk. He was suspected of a grave crime and had been hiding for some time in the Czech Republic, where he had property. He had also been involved in making false documents. The applicant and his criminal group had also exhibited violence, as was confirmed by the statements of several witnesses.

6. On 30 August 2019 the applicant's complaint regarding the above decisions was submitted to the Constitutional Court.

7. On 25 September 2020 the applicant was sentenced to life imprisonment. On the dismissal of the appeal, the conviction became final, but on 28 February 2024 the applicant's conviction was quashed, and he was again remanded in custody pending a new trial.

8. On 8 July 2021 the Constitutional Court dismissed his complaint of 30 August 2019. The decision was served on the applicant's lawyer on 6 August 2021.

9. The applicant complained that his rights under Article 5 §§ 3 and 4 of the Convention had been violated.

THE COURT'S ASSESSMENT

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

10. Relying on Article 5 § 3 of the Convention, the applicant contested the justification of his pre-trial detention before his original trial. He referred, in particular, to the decision of 26 June 2019 in which, according to him, the Supreme Court had failed to give relevant and sufficient reasons for his continued detention and had merely repeated the reasoning in the previous decisions.

11. The Government submitted that the applicant's pre-trial detention had been justified.

12. The Court has recently held in a case based on the same criminal matter that the applicant's pre-trial detention between 6 March 2017 and 25 September 2020 had been justified. It was based on his suspected involvement in extensive and particularly serious drug-trafficking offences (see *Krátky v. Slovakia* [Committee], no. 55788/20 and 3 others, §§ 8-18, 25 April 2024). This complaint is substantially the same as the complaint in that case. In any event, the reasons given by the Supreme Court for the applicant's continued detention in the case complained about were "relevant" and "sufficient" within the meaning of the Court's case-law (see *Štvrtecký v. Slovakia*, no. 55844/12, §§ 57-66, 5 June 2018). In so far as those reasons persisted and the lawfulness of the applicant's detention was reviewed multiple times, the domestic court cannot be reproached for a certain repetitiveness in the wording of its decisions (see *Knebl v. the Czech Republic*, no. 20157/05, § 68, 28 October 2010). The Court also reiterates that the proceedings were complex, that their duration was influenced by the applicant's conduct, and that no inactivity attributable to the authorities could be identified.

13. The Court therefore finds that this part of the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

II. ALLEGED VIOLATION OF ARTICLE 5 § 4 OF THE CONVENTION AS REGARDS SPEEDINESS OF DETENTION REVIEW

14. The applicant complained under Article 5 § 4 of the Convention that the Constitutional Court had failed to decide speedily on his constitutional complaint of 30 August 2019 about the courts' refusal to release him from detention.

15. The Government argued that the guarantee of "speediness" had ceased to apply with the applicant's conviction at first instance on 25 September 2020 and that his complaint had therefore been lodged with the Court out of time. Moreover, given that there had been some problems with the composition of the court and the self-recusal of a judge, the requirement of speediness had been less stringent as regards the proceedings in the Constitutional Court.

16. The Court has summarised its case-law on the issue of "speediness" in for example *Mooren v. Germany* [GC], no. 11364/03, § 106, 9 July 2009; *Štetiar and Šutek v. Slovakia,* nos. 20271/06 and 17517/07, § 128, 23 November 2010; *Gál v. Slovakia,* no. 45426/06, § 62, 30 November 2010; *Michalko v. Slovakia,* no. 35377/05, § 167, 21 December 2010; *Osváthová v. Slovakia,* no. 15684/05, § 69, 21 December 2010; and *Žúbor v. Slovakia,* no. 7711/06, §§ 71-73, 6 December 2011.

17. In the present case, as the applicant remained in detention (see, by contrast, *Kormoš v. Slovakia*, no. 46092/06, § 95, 8 November 2011) and as, under domestic law, such detention was classified as being on remand until the conviction became final, including during appeal proceeding (see *Salmanov v. Slovakia*, no. 40132/16, § 46, 20 January 2022), the guarantees under Article 5 § 4 of the Convention continued to apply (see *Stollenwerk v. Germany*, no. 8844/12, § 36, 7 September 2017, and *Krátky*, cited above, § 21).

18. The Government's objection as to the timeliness of the complaint is therefore dismissed and, since 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 be declared admissible.

19. The constitutional proceedings regarding the review of the applicant's detention started with the lodging of his constitutional complaint and ended with the service of its decision on the applicant (see *Radonjić and Romić v. Serbia*, no. 43674/16, § 97, 4 April 2023).

20. The constitutional proceedings in the present case lasted one year, eleven months and seven days (having started on 30 August 2019 and ended on 6 August 2021, see paragraphs 6 and 8 above). The Court does not find the arguments submitted by the Government sufficiently convincing to justify such a delay.

21. In the absence of any relevant arguments on the part of the Government as to the complexity of the proceedings and the applicant's

conduct during the proceedings, and regard being had to the Court's case-law on the subject (see, for example, *Žúbor*, cited above, § 90, and, by contrast, *Stevan Petrović v. Serbia*, nos. 6097/16 and 28999/19, § 178, 20 April 2021), the Court concludes that the constitutional proceedings regarding the applicant's detention fell short of the required speediness.

22. There has accordingly been a violation of Article 5 § 4 of the Convention.

III. OTHER COMPLAINTS

23. The applicant also complained under Article 5 § 4 of the Convention about a lack of impartiality on the part of the domestic court in the detention proceedings. Having regard to the facts of the case, the submissions of the parties, and its findings above, the Court considers that it has dealt with the main legal questions raised by the case and that there is no need to examine the admissibility and merits of the remaining complaint (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

APPLICATION OF ARTICLE 41 OF THE CONVENTION

24. The applicant claimed 15,000 euros (EUR) in respect of non-pecuniary damage and EUR 3,210.17 in respect of costs and expenses incurred in the domestic proceedings and before the Court.

25. The Government contended that the claim in respect of non-pecuniary damage was overstated and argued that part of the claim for costs and expenses was not reasonably and necessarily incurred.

26. The Court awards the applicant EUR 1,600 in respect of non-pecuniary damage, plus any tax that may be chargeable.

27. Having regard to its case-law and the documents in its possession, the Court also considers it reasonable to award the applicant EUR 1,000 covering costs under all heads.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* admissible the complaint under Article 5 § 4 of the Convention concerning the alleged lack of a speedy review of the applicant's detention in proceedings in the Constitutional Court, and inadmissible the complaint under Article 5 § 3 of the Convention;

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

3. *Holds* that there is no need to examine the complaint under Article 5 § 4 of the Convention concerning the lack of impartiality of the domestic court;

4. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the following amounts:
      (i) EUR 1,600 (one thousand six hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
      (ii) EUR 1,000 (one 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;

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

Done in English, and notified in writing on 13 March 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Liv Tigerstedt Deputy Registrar	Georgios A. Serghides President