

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

THIRD SECTION

CASE OF KURKOV v. RUSSIA

(Application no. 2157/22)

JUDGMENT

STRASBOURG

15 May 2025

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



In the case of Kurkov v. Russia,

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

Diana Kovatcheva*, President*,
Úna Ní Raifeartaigh,
Mateja Đurović*, judges*,
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 24 April 2025,

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

PROCEDURE

1. The case originated in an application against Russia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 20 December 2021.

2. The applicant was represented by Mr A. Kosarev, a lawyer practising in Moscow.

3. The Russian Government ("the Government") were given notice of the application.

THE FACTS

4. The applicant's details and information relevant to the application are set out in the appended table.

5. The applicant complained of the unreasonably lengthy pre-trial detention.

THE LAW

I. JURISDICTION

6. The Court observes that the facts giving rise to the alleged violation of the Convention occurred prior to 16 September 2022, the date on which the Russian Federation ceased to be a party to the Convention. The Court therefore decides that it has jurisdiction to examine the present application (see *Fedotova and Others v. Russia* [GC], nos. 40792/10 and 2 others, §§ 68-73, 17 January 2023).

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

7. The applicant complained that his pre-trial detention had been unreasonably long. He relied on Article 5 § 3 of the Convention.

8. 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).

9. In the leading case of *Dirdizov v. Russia,* no. 41461/10, 27 November 2012, the Court already found a violation in respect of issues similar to those in the present case.

10. 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 admissibility and merits of these complaints. Having regard to its case-law on the subject, the Court considers that in the instant case the the applicant's pre-trial detention was unreasonably long.

11. These complaints are therefore admissible and disclose a breach of Article 5 § 3 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

12. Regard being had to the documents in its possession and to its case-law (see, in particular, *Pastukhov and Yelagin v. Russia,* no. 55299/07, 19 December 2013), the Court considers it reasonable to award the sum indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Holds* that it has jurisdiction to deal with this application as it relates to the facts that took place before 16 September 2022;

2. *Declares* the application admissible;

3. *Holds* that this application discloses a breach of Article 5 § 3 of the Convention concerning the unreasonably lengthy pre-trial detention;

4. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the amount indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 15 May 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina Acting Deputy Registrar	Diana Kovatcheva President

APPENDIX

Application raising complaints under Article 5 § 3 of the Convention (excessive length of pre-trial detention)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Period of detention	Court which issued detention order/examined appeal	Length of detention	Specific defects	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[1]
2157/22 20/12/2021	**Aleksey Nikolayevich KURKOV** 1975	Kosarev Aleksandr Anatolyevich Moscow	24/07/2020 to 30/10/2021	Moscow City Court, First Appellate Court of General Jurisdiction	1 year(s) and 3 month(s) and 7 day(s)	fragility of the reasons employed by the courts; use of assumptions, in the absence of any evidentiary basis, of the risks of absconding or obstructing justice; failure to conduct the proceedings with due diligence during the period of detention	1,400

[1] Plus any tax that may be chargeable to the applicant.