

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

THIRD SECTION

CASE OF MALOBRODSKIY v. RUSSIA

(Application no. 21736/18)

JUDGMENT

STRASBOURG

16 October 2025

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

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

In the case of Malobrodskiy v. Russia,

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

Diana Kovatcheva*, President*,
Canòlic Mingorance Cairat,
Vasilka Sancin*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 25 September 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 14 May 2018.

2. The applicant was represented by Ms K.S. Karpinskaya, 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 deficiencies in proceedings for review of the lawfulness of detention. He also raised other complaints under the provisions of the Convention.

THE LAW

I. JURISDICTION

6. The Court observes that the facts giving rise to the alleged violations 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 § 4 OF THE CONVENTION

7. The applicant complained principally of the deficiencies in the proceedings for review of the lawfulness of detention. He relied on Article 5 § 4 of the Convention.

8. The Court reiterates that Article 5 § 4 of the Convention, in guaranteeing to detained persons a right to institute proceedings to challenge the lawfulness of their detention, also proclaims their right, following the institution of such proceedings, to a speedy judicial decision concerning the lawfulness of detention and the ordering of its termination if it proves unlawful (see *Baranowski v. Poland*, no. 28358/95, § 68, ECHR 2000-III). Where an individual's personal liberty is at stake, the Court has very strict standards concerning the State's compliance with the requirement of speedy review of the lawfulness of detention (see, for example, *Mamedova v. Russia*, no. 7064/05, § 96, 1 June 2006).

9. In the leading cases of *Idalov v. Russia* [GC], no. 5826/03, §§ 154-58, 161-65, 22 May 2012; *Khodorkovskiy v. Russia*, no. 5829/04, §§ 219-48, 31 May 2011; and *Lebedev v. Russia*, no. 4493/04, §§ 75-115, 25 October 2007, 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 this complaint. Having regard to its case-law on the subject, the Court considers that in the instant case the proceedings for the review of the lawfulness of the applicant's detention, as set out in the table appended below, cannot be considered compatible with the requirements set out in Article 5 § 4 of the Convention.

11. This complaint is therefore admissible and discloses a breach of Article 5 § 4 of the Convention.

III. OTHER ALLEGED VIOLATIONS UNDER WELL-ESTABLISHED CASE-LAW

12. The applicant submitted other complaints which also raised issues under the Convention, given the relevant well-established case-law of the Court (see appended table). These complaints are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor are they inadmissible on any other ground. Accordingly, they must be declared admissible. Having examined all the material before it, the Court concludes that they also disclose violations of the Convention in the light of its findings in *Tarariyeva v. Russia*, no. 4353/03, §§ 109-11, 14 December 2006, as regards handcuffing to a bed in absence of any valid reason; and *Dirdizov v. Russia*, no. 41461/10, §§ 101-11, 27 November 2012, regarding the lack of justification for the applicant's pre-trial detention.

IV. REMAINING COMPLAINTS

13. The applicant also complained under Article 13 of the Convention concerning the lack of effective remedies. In view of the findings in paragraph

12 above, the Court considers that there is no need to deal separately with this remaining complaint.

V. APPLICATION OF ARTICLE 41 OF THE CONVENTION

14. Regard being had to the documents in its possession and to its case-law (see, in particular, *Oravec v. Croatia,* no. 51249/11, §§ 78-80, 11 July 2017, *Ayboğa and Others v. Turkey,* no. 35302/08, §§ 28-30, 21 June 2016, *Doherty v. the United Kingdom,* no. 76874/11, §§ 113-15, 18 February 2016, *Albrechtas v. Lithuania,* no. 1886/06, §§ 87-89, 19 January 2016 and *Karaosmanoglu and Özden v. Turkey,* no. 4807/08, §§ 89-91, 17 June 2014), 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 facts that took place before 16 September 2022;

2. *Declares* the complaint concerning the deficiencies in proceedings for review of the lawfulness of detention and the other complaints under the well-established case-law of the Court, as set out in the appended table, admissible, and *finds* that there is no need to examine separately the remaining complaint under Article 13 of the Convention raised by the applicant;

3. *Holds* that this application discloses a breach of Article 5 § 4 of the Convention concerning the deficiencies in the proceedings for review of the lawfulness of detention;

4. *Holds* that there has been a violation of the Convention as regards the other complaints raised under the well-established case-law of the Court (see appended table);

5. *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 16 October 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 § 4 of the Convention (deficiencies in proceedings for review of the lawfulness of detention)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	First-instance court and date of detention order	Appeal instance court and date of decision	Procedural deficiencies	Other complaints under well-established case-law	Amount awarded for non-pecuniary damage and costs and expenses per applicant (in euros)[1]
21736/18 14/05/2018	**Aleksey Arkadyevich MALOBRODSKIY** 1958	Karpinskaya Kseniya Sergeyevna Moscow	Basmannyy District Court of Moscow, 17/10/2017 Basmannyy District Court, 16/01/2018	Moscow City Court, 04/12/2017 Moscow City Court, 21/02/2018	lack of speediness of review of detention (*Idalov v. Russia* [GC], no. 5826/03, §§ 154-158, 22 May 2012)	Art. 3 - torture or inhuman or degrading treatment - Handcuffing to a bed in absence of any valid reason on 10-11/05/2018 in a civil hospital (see *Tarariyeva v. Russia*, no. 4353/03, §§ 109-111, 14 December 2006), Art. 5 (3) - excessive length of pre-trial detention - unjustified pre-trial detention: from 26/04/2018 to 14/05/2018, Basmannyy District Court of Moscow, Moscow City Court, 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 assess the applicant's personal situation reducing the risks of re-offending, colluding or absconding	16,000

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