

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

SECOND SECTION

CASE OF MIRONIUK v. LITHUANIA

(Application no. 60964/21)

JUDGMENT

STRASBOURG

12 May 2026

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

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

In the case of Mironiuk v. Lithuania,

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

Oddný Mjöll Arnardóttir*, President*,
Gediminas Sagatys,
Juha Lavapuro*, judges*,
and Dorothee von Arnim, *Deputy Section Registrar,*

Having regard to:

the application (no. 60964/21) against the Republic of Lithuania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 28 November 2021 by a Lithuanian national, Mr Roman Mironiuk ("the applicant"), who was born in 1986 and is currently in prison in Vilnius;

the decision to give notice of the complaint concerning Article 6 § 1 of the Convention to the Lithuanian Government ("the Government"), represented by their Agent, Ms K. Bubnytė-Širmenė, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated in private on 7 April 2026,

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

SUBJECT MATTER OF THE CASE

1. The case concerns the length of the criminal proceedings against the applicant.

I. CRIMINAL PROCEEDINGS AGAINST THE APPLICANT

A. Pre-trial investigation

2. On 14 July 2009 the applicant was arrested on suspicion of aggravated murder and property-related offences, committed as part of an organised group. From 15 July 2009 he was detained on remand and his detention was regularly extended. On 28 May 2010 he was informed that the pre-trial investigation had been completed.

B. Court proceedings

1. Vilnius Regional Court

3. On 7 June 2010 the case against the applicant and five other defendants was transferred to the Vilnius Regional Court for examination.

4. On 21 June 2010 the Vilnius Regional Court ordered an in-patient psychiatric assessment of one of the co-accused and transferred the case file to the experts conducting the assessment.

5. From 14 to 28 July 2010 the case file was returned by the experts to the Vilnius Regional Court for the examination of the applicant's appeal against his detention on remand.

6. On 30 September 2010 the report of the psychiatric assessment (see paragraph 4 above) as well as the case file were delivered to the court.

7. The court held a hearing on 27 October 2010 and made a break until 12 January 2011 at the request of one of the co-accused, who stated that "he [was] tired".

8. Some of the scheduled hearings did not take place or were adjourned for the following reasons:

(a) On 18 October 2010 the scheduled hearing was adjourned because one of the victims was not present.

(b) The hearing of 12 January 2011 did not take place, because the lawyer of one of the co-accused did not appear before the court.

(c) On 17 March 2011 the court made a break until 31 March 2011, because the lawyer of one of the co-accused requested to invite experts.

(d) The hearing of 14 October 2011 did not take place due to a judge's illness.

(e) In the hearing of 3 February 2012 the lawyer of one of the co-accused requested to give a closing speech in the next hearing.

(f) The hearing of 24 February 2012 did not take place, because three lawyers did not appear.

(g) On 1 October 2012 the court made a break until 22 October 2012, because the lawyer of one of the co-accused did not appear before the court.

9. On 25 March 2011 and 20 April 2012 the composition of the court changed. At the hearing of 27 April 2012, at the request of the lawyer of one of the co-accused, the new composition started examining the case from the beginning and held four further hearings.

10. On 14 December 2012 the Vilnius Regional Court acquitted the applicant of complicity in extortion of property but convicted him for other criminal offences, including complicity in aggravated murder and property crimes, and sentenced him to eighteen years' imprisonment.

2. Court of Appeal

11. The applicant and the other co-accused lodged appeals against the above-mentioned judgment. On 14 February 2013 the case was sent to the Court of Appeal.

12. The day before the first hearing scheduled for 28 March 2013, the applicant's representative informed the court that he was not authorised to represent the applicant before the appellate court. Therefore, the applicant's request to postpone the hearing was granted and the case was adjourned until 16 October 2013. On 16 April 2013 the applicant submitted a request for a new lawyer to be appointed for him and this request was granted on 25 April 2013.

13. The hearing of 16 October 2013 was postponed until 7 March 2014 at the request of the lawyer for one of the co-accused, without any reasons being given.

14. On 20 March 2014 the court ordered a psychiatric assessment of one of the co-accused and the case was adjourned until receipt of the report. The report was delivered to the court on 8 October 2014 and the next hearing was scheduled for 4 March 2015.

15. On 2 March 2015 the civil parties in the proceedings lodged a revised civil claim, and the scheduled hearing of 4 March 2015 was postponed until 12 November 2015.

16. The hearing scheduled for 12 November 2015 was postponed with the consent of all parties involved, as it was decided to summon additional parties. The hearing scheduled for 25 November 2015 was postponed because a lawyer of one of the co-accused failed to appear without valid reason and was fined as a result. The court also held hearings on 2 December 2015, 5 May, 2 June and 26 October 2016.

17. On 29 December 2016 the Court of Appeal upheld the applicant's conviction and final sentence, but amended the legal classification concerning aggravated murder.

3. Supreme Court

18. On 28 June 2017 the applicant lodged an appeal on points of law with the Supreme Court, arguing that his sentence ought to be reduced due to the lengthy criminal proceedings.

19. On 16 November 2017 the Supreme Court dismissed the applicant's appeal. The court observed that, in accordance with the domestic case-law, excessively lengthy proceedings constituted an exceptional circumstance due to which a less severe penalty might be imposed. However, there had been no unjustified delays in the criminal proceedings and therefore no grounds on which to commute his final sentence.

II. CIVIL PROCEEDINGS FOR DAMAGES

20. In 2020 the applicant instituted civil proceedings against the State, requesting compensation in respect of non-pecuniary damage for the lengthy duration of the criminal proceedings. In particular, he noted that there had been two changes in the composition of the first-instance court. He also emphasised the extremely lengthy examination of the case before the appellate court.

21. On 17 November 2020 the Vilnius District Court dismissed the claim. It held that the proceedings had been conducted promptly. As far as the examination of the criminal case before the first-instance court was concerned, it emphasised that the fact that the composition of the first-instance court had changed had not had any impact on the duration of

the proceedings (see paragraph 8 above). The applicant had himself prolonged the psychiatric assessment due to the necessity to return the case file to the court examining his appeal against his detention (see paragraph 5 above). As for the appellate court, the psychiatric assessment had been carried out and another break of seven months had been necessary because the applicant had not entered into an agreement for his representation (see paragraphs 14 and 12 above).

22. The applicant lodged an appeal against that decision but on 2 March 2021 the Vilnius Regional Court dismissed it, noting that the absence of unjustified delays had already been established in the decisions of the criminal courts (see paragraph 19 above), decisions which had a *res judicata* effect and could no longer be questioned.

23. The applicant lodged a cassation appeal on points of law, emphasising the overall duration of the criminal proceedings and arguing that, owing to the refusal to commute his final sentence, no redress had been provided for his suffering. On 2 June 2021 the Supreme Court refused to accept the appeal for examination on the grounds that it did not raise any important legal issues and did not indicate the complete legal arguments, which confirm the existence of the cassation grounds.

III. COMPLAINT

24. The applicant complained that the length of the criminal proceedings against him had been excessive, contrary to the requirements of Article 6 § 1 of the Convention.

THE COURT'S ASSESSMENT

ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

25. The Government confirmed that the civil action for damages lodged by the applicant was an effective remedy in case of lengthy criminal proceedings. They acknowledged that the Vilnius Regional Court had improperly applied the domestic law when examining the civil claim (see paragraph 22 above), because the courts' conclusions in the criminal case regarding the duration of the proceedings when assessing the question of the commutation of the final penalty should not have been considered as having *res judicata* effect such as to preclude the applicant from seeking the establishment of the State's civil liability for damage sustained owing to lengthy criminal proceedings.

26. However, the Government submitted that the application should be declared inadmissible for failure to exhaust domestic remedies because the applicant had failed to properly substantiate the existence of the cassation grounds in his appeal to the Supreme Court. In particular, he had not

addressed the criteria according to which the Supreme Court assessed the reasonableness of duration of proceedings, nor indicated any errors on the part of the lower courts.

27. The Court has previously held that it is for the Supreme Court to decide questions of domestic law, particularly as to whether a case is important for the consistent interpretation of Lithuanian law. What matters for the Court is whether in an appeal applicants "at least in substance and in compliance with the formal requirements and time-limits laid down in domestic law" raised the complaints which they subsequently made to the Court (see *Beinarovič and Others v. Lithuania*, nos. 70520/10 and 2 others, § 118, 12 June 2018). The Court would first point out that in his cassation appeal, the applicant alleged that he had been the victim of a breach of the "reasonable time" requirement of Article 6 § 1. The Government alleged that the sole and main argument in the applicant's cassation appeal was that any proceedings exceeding six years do not comply with the guarantees of the Convention. However, the Court notes that, in his cassation appeal, the applicant also alleged that all conditions for the defendant's civil liability were met. Notably, he alleged that the criminal proceedings had lasted an unreasonably long time due solely to the actions of the judges who examined the criminal case. He also stated that he had suffered damage due to the defendant's culpable actions. The Court is mindful of some degree of incoherence in the reasoning of the cassation appeal. The Court is also mindful of the fact that a cassation appeal is subject to specific rules under the Code of Civil Procedure in order for a case to be reviewed in the cassation procedure. However, having regard to the elements submitted by the applicant, the Court is unable to conclude that, in this case, the applicant failed to provide the domestic courts with the opportunity which is in principle intended to be afforded to a Contracting State by Article 35 § 1 of the Convention, namely the opportunity of addressing, and thereby preventing or putting right, the particular Convention violation alleged against it (compare also *Jalloh v. Germany* (dec.), no. 54810/00, 26 October 2004, and *Harvey v. the United Kingdom* (dec.), no. 80237/13, § 64, 21 November 2017). Accordingly, the Government's objection must be dismissed.

28. Given that the civil action for damages brought by the applicant must be considered as an effective remedy for obtaining redress for unreasonably lengthy criminal proceedings (see *Savickas and Others v. Lithuania* (dec.), nos. 66365/09 and 5 others, §§ 86-88, 15 October 2013; see also *Gančo v. Lithuania* [Committee], no. 42168/19, 13 July 2021), no issue arises with regard to the compliance with the six-month time-limit under Article 35 § 1 of the Convention as applicable at the relevant time.

29. The Court further notes that the application is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

30. The general principles concerning the length of criminal proceedings have been summarised in *Idalov v. Russia* ([GC], no. 5826/03, § 186, 22 May 2012).

31. In the present case, the criminal proceedings lasted from 14 July 2009 to 16 November 2017 – that is to say some eight years and four months (see paragraphs 2-19 above).

32. The Court is prepared to accept that the criminal case was of some complexity as it concerned allegations of several offences and involved multiple suspects acting in an organised group. However, while the complexity of the case may justify a longer than average duration of proceedings, it cannot justify long periods of inaction on the part of the authorities (see *Rutkowski and Others v. Poland*, nos. 72287/10 and 2 others, §§ 137-38, 7 July 2015).

33. The proceedings before the Vilnius Regional Court lasted over two years and six months (see paragraphs 3-10 above). The Court notes, in particular, that from 27 October 2010 to 12 January 2011 the court made a break because one of the co-accused was tired, without giving any further reasons (see paragraph 7 above). Moreover, the composition of the panel of the first-instance court changed twice, and once as a result, the examination of the case was resumed from the beginning, thereby further prolonging the proceedings (see paragraph 8 above). The applicant complained that that change had contributed to the lengthy duration of the proceedings (see paragraph 20 above), but his arguments were not addressed by the courts examining his civil claim. However, the Court also notes that throughout the mentioned period the Vilnius Regional Court scheduled twenty-one hearings and a substantive number of the scheduled hearings did not take place or were adjourned for reasons which cannot be attributed to the respondent State (see paragraph 8 above). The above circumstances do not give the Court grounds to conclude that the proceedings before the Vilnius Regional Court took an unreasonably long time.

34. The proceedings before the appellate court lasted over three years and ten months (see paragraphs 11-17 above), which the Court considers particularly long. Certain breaks between hearings lasted between four and five months (see paragraph 16 above). Moreover, the appellate court took considerable time between the different procedural acts. In particular, after receiving the psychiatric assessment report, the next hearing was scheduled after almost five months (see paragraph 14 above), and after receiving the revised civil claim, the next hearing took place after eight months (see paragraph 15 above). Moreover, the planned hearing of 16 October 2013 was postponed for more than four months at the request of the lawyer of one of the co-accused for unspecified reasons (see paragraph 13 above). In such circumstances, and particularly in view of the fact that at that point the proceedings had already lasted a long time, the Court cannot accept that the appellate court exercised proper diligence in conducting the proceedings.

Moreover, the Court notes that the Government have not put forward any argument capable of persuading it to reach a different conclusion in the present case.

35. Lastly, there are no grounds to find that the applicant unreasonably prolonged the proceedings. Indeed, he challenged the decision to extend his pre-trial detention. However, even assuming that the fact that the case file had to be returned by the experts to the first-instance court (see paragraph 5 above) could be held against the applicant, due to the examination of this question the criminal proceedings were interrupted only from 14 to 28 July 2010. The Court also points out that applicants cannot be blamed for making full use of the remedies available to them under domestic law (see *Sablon v. Belgium*, no. 36445/97, § 95, 10 April 2001). Moreover, on 16 April 2013 he acted promptly in requesting a new lawyer to be appointed for him before the Court of Appeal and that request was granted on 25 April 2013. However, the case was kept adjourned until 16 October 2013 (see paragraph 12 above). The above-mentioned delays have not been explained and appear to be unjustified. The Court is mindful that some of the scheduled hearings did not take place for reasons which cannot be attributed to the respondent State (see paragraph 16 above). However, these instances do not appear to account for a significant proportion of the overall delay.

36. Accordingly, the Court holds that there has been a violation of Article 6 § 1 of the Convention.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

37. The applicant claimed compensation in respect of non-pecuniary damage and submitted that an amount of 3,800 euros (EUR) would be adequate in that respect.

38. The Government argued that the award should be granted on an equitable basis.

39. The Court, making its award on an equitable basis, awards the applicant EUR 3,800 in respect of non-pecuniary damage, plus any tax that may be chargeable.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that there has been a violation of Article 6 § 1 of the Convention;

3. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, EUR 3,800 (three thousand eight hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;

(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 12 May 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Dorothee von Arnim Deputy Registrar	Oddný Mjöll Arnardóttir President