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

FIFTH SECTION

DECISION

Application no. 34263/16
Volodymyr Oleksiyovych GALYCHYY
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 10 November 2022 as a Committee composed of:
Mārtiņš Mits*, President*,
Mattias Guyomar,
Mykola Gnatovskyy*, judges*,
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*
Having regard to the above application lodged on 2 June 2016,
Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Volodymyr Oleksiyovych Galychyy, was born in 1948. He was represented by Mr A.G. Yurovskyy, a lawyer practising in Kyiv.

The applicant's complaints under Article 5 § 3 of the Convention concerning the excessive length of pre-trial detention were communicated to the Ukrainian Government ("the Government").

THE LAW

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

In the present application, having examined all the material before it, the Court considers that for the reasons stated below, the length of the applicant's pre-trial detention was not excessive.

In particular, the Court notes that the applicant was charged with high treason under Article 111 of the Criminal Code of Ukraine. At the material time the applicant was an elected representative of the Sevastopol City

Council, on 11 March 2014 he voted for adoption of a "declaration of independence of the Crimea and Sevastopol" by the Supreme Council of the Autonomous Republic of Crimea (ARC); and on 17 March 2014 to support the decision of the Parliament of the ARC on proclamation of "independency" of the Crimea, creation of the so-called "Republic of Crimea", request to include Sevastopol as a Russian federal city and renaming of the Sevastopol City Council to the "Legislative Assembly of Sevastopol City". Further the applicant continued to work in the latter entity.

On 22 September 2015 the applicant was apprehended when he was entering the Kherson Region from the ARC. On 23 September 2015 a preventive measure in the form of detention on remand was applied in respect of the applicant.

The applicant complained of continuous unsubstantiated detention pending trial between 22 September 2015 and 24 February 2017. The domestic courts while ordering the applicant's detention based their decisions on the gravity and seriousness of the charges and the applicant's possibility to flee. The courts also reasoned that the public order and safety had more importance given that the applicant was directly involved in encroachment on the Ukraine's territorial integrity. On 24 February 2017 the court, while ruling on application of the measure of restraint in the form of the house arrest, took into account, *inter alia*, the applicant's state of health and his age and new place of residence in Kyiv (the previous one was in the ARC). On 7 September 2019 the applicant was moved to Russia in the framework of a Ukraine-Russia prisoner swap.

The Court considers that the term of the applicant's detention of one year and five months does not appear, in the circumstances, to be excessive (see, *mutatis mutandis*, *Titarenko v. Ukraine*, no. 31720/02, §§ 72-73, 20 September 2012; *Sopin v. Russia*, no. 57319/10, §§ 38 and 43-45, 18 December 2012; *Sukhynin v. Ukraine* (dec), no. 33641/17, 12 April 2018).

In view of the above, the Court finds that these complaints are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 1 December 2022.

Viktoriya Maradudina
Acting Deputy Registrar

Mārtiņš Mits
President