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

THIRD SECTION

DECISION

Application no. 43031/16
Dmitriy Igorevich GOLOBOKOV against Russia
and 3 other applications
(see appended table)

The European Court of Human Rights (Third Section), sitting on 25 August 2022 as a Committee composed of:

Darian Pavli, *President,*
Andreas Zünd,
Mikhail Lobov, *judges,*
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having regard to the observations submitted by the respondent Government,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

By a letter of 4 May 2021, the applicant in case no. 43031/16 informed the Court that he had changed his last name to Bogatyrev. The Court will continue processing the application under the case name of Golobokov v. Russia. This corresponded to the applicant's name as referred to in the domestic court proceedings in issue and in his application lodged with the Court.

The applicants' complaints under Article 5 § 3 of the Convention concerning the excessive length of pre-trial detention were communicated to the Russian Government ("the Government"). In some of the applications, complaints based on the same facts were also communicated under other provisions of the Convention.

THE LAW

A. Joinder of the applications

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

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

The applicant in application no. 53402/17 complained about the excessive length of his pre-trial detention between 5 July 2013 and 1 August 2016 as indicated in the appended table. The applicant raised his complaint before the Court on 21 July 2017, that is more than six months after his detention had ended. Therefore, this complaint is lodged out of time and must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

As regards the remaining applications, the Court notes that the applicable 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).

Having carefully examined the remaining applications listed in the appended table in the light of the principles set out in its case-law, the Court concludes that there were relevant and sufficient grounds for the applicants' detention and that the authorities displayed special diligence in handling their cases. While extending the applicants' detention the domestic courts relied on the existence of a reasonable suspicion of their involvement in crimes, the vulnerability of the victims, the complexity of the criminal cases against the applicants and the existence of a serious risk of their absconding or interfering with justice, confirmed, *inter alia*, by the pattern of their behaviour, nature of the crimes, and previous documented attempts to impede the investigation. The Court is satisfied that the domestic courts cited specific facts in support of their conclusions that the applicants were liable to obstruct justice, to re-offend or to abscond. They also considered a possibility of applying alternative measures but found them to be inadequate. The domestic courts duly examined all the pertinent factors and gave "relevant" and "sufficient" reasons to justify the applicants' continued detention. There is nothing in the material submitted to the Court to show any significant period of inactivity on the part of the prosecution or the courts dealing with the matter (see, for similar reasoning, *Denisenko and Bogdanchikov v. Russia*, no. 3811/02, §§ 128-37, 12 February 2009; *Isayev v. Russia*, no. 20756/04, §§ 144-57,

22 October 2009; and *Rozhkov v. Russia* (dec.), no. 64140/00, 5 February 2007).

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

C. Remaining complaints

In applications nos. 53402/17 and 53241/19 the applicants also raised other complaints under Article 3 of the Convention.

The Court has examined these complaints and considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention.

It follows that this part of the applications must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 15 September 2022.

Viktoriya Maradudina	Darian Pavli
Acting Deputy Registrar	President

APPENDIX

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

No.	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
1.	43031/16 14/07/2016	**Dmitriy Igorevich BOGATYREV (GOLOBOKOV)** 1980		13/10/2015 to 26/07/2016	Novgorodskiy District Court of the Novgorod Region, Novgorod Regional Court	9 month(s) and 14 day(s)
2.	53402/17 21/07/2017	**Aleksey Yevgenyevich LOPATIN** 1983	Shprits Yevgeniy Viktorovich Yaroslavl	05/07/2013 to 01/08/2016	Moscow City Court	3 year(s) and 28 day(s)
3.	53241/19 01/10/2019	**Beslan Magomedovich KHAUTIYEV** 1981	Balog Natalya Andreyevna Krasnoyarsk	28/04/2015 to 14/04/2016 23/01/2018 to 26/07/2019	Sovetskiy District Court of Krasnoyarsk, Krasnoyarsk Regional Court	11 month(s) and 18 day(s) 1 year(s) and 6 month(s) and 4 day(s)
4.	36567/20 25/07/2020	**Viktor Sergeyevich PUSHKARSKIY** 1991	Kiryanov Aleksandr Vladimirovich Taganrog	06/05/2020 to 05/08/2020	Taganrog Town Court, the Rostov Regional Court	3 month(s)