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

FIFTH SECTION

DECISION

Application no. 1536/24
Denys Oleksandrovych LOGOYDA
against Ukraine
(see appended table)

The European Court of Human Rights (Fifth Section), sitting on 5 December 2024 as a Committee composed of:

Diana Sârcu*, President*,
Kateřina Šimáčková,
Mykola Gnatovskyy*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 14 December 2023,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

In May 2022 authorities commenced a large-scale investigation into alleged abuse of powers and drug distribution. The applicant, a police officer acting in a group with other persons, including other police officers, was suspected of the production and distribution of methamphetamine. On 18 June 2023, at 10.09 p.m., the applicant was notified of suspicion of the above crimes. According to the arrest report, he was apprehended on the same day, at 10.10 p.m. Protocol was drawn up on 19 June 2023 between 4.25 a.m. and 5.12 a.m. The arrest report cited Article 208 § 4 of the Code of Criminal Procedure, which provides for the right of an authorised body to arrest a person without a prior court order if there are reasonable grounds to believe that that suspect may abscond. A prosecutor lodged asked a court to authorise the pre-trial detention of the applicant. On 20 June 2023 the court ordered the detention, citing the applicant's personal situation, the gravity of the charges against him and relevant factors supporting the existence of the risks of witness tampering, obstruction of justice and absconding; it relied on

extensive material of the case, including evidence obtained by secret surveillance. On 17 July 2023 a court of appeal changed the detention to 24-hour house arrest, reasoning that the local court had failed to examine whether other preventive measures could guarantee the applicant's compliance with his procedural obligations in the investigation. Furthermore, according to the information provided by the Government, on 18 January 2024 the local court set bail, and the applicant was released.

The applicant's complaints under Article 5 § 1 of the Convention concerning the unlawful detention were communicated to the Ukrainian Government ("the Government"). Complaints based on the same facts were also communicated under other provisions of the Convention.

THE LAW

A. Complaints under Article 5 § 1 of the Convention (unlawful detention)

In the present application, having examined all the material before it, the Court considers that for the reasons stated below, the complaints about the applicant's arrest without a prior court decision are inadmissible.

In particular, the Court notes that the lawfulness of the applicant's arrest should be assessed in terms of the national substantive and procedural regulations. In their observations, the Government maintained that the applicant had been arrested according to the applicable legal provisions immediately after he had been notified of the reasonable suspicion of abuse of powers and drug distribution. The law enforcement authorities had had valid reasons to believe that the applicant could abscond the investigation, given his personal background and involvement in the organised group crime. By a decision of 20 June 2023, the local court agreed with the existence of such a risk and ordered detention. The facts which raise a suspicion need not be of the same level as those necessary to justify a conviction (*Merabishvili v. Georgia* [GC], no. 72508/13, 2017, § 184). Therefore, the applicant's arrest could not be considered unlawful within the meaning of Article 5 § 1 of the Convention.

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.

B. Remaining complaints

The applicant also raised other complaints under various Articles of the Convention.

The Court has examined the application 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 either do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

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

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 16 January 2025.

Viktoriya Maradudina	Diana Sârcu
Acting Deputy Registrar	President

APPENDIX

Application raising complaints under Article 5 § 1 of the Convention (unlawful detention)

Application no. Date of introduction	Applicant's name Year of birth	Period of allegedly unlawful detention	Specific defects alleged by the applicant	Relevant domestic decision
1536/24 14/12/2023	**Denys Oleksandrovych LOGOYDA** 1997	18/06/2023 - 20/06/2023	no legal basis for arrest without a prior court decision (*Strogan v. Ukraine*, no. 30198/11, §§ 88-89, 6 October 2016, and *Grubnyk v. Ukraine*, no. 58444/15, §§ 83-85, 17 September 2020)	20/06/2023, Kirovskyy District Court of Dnipro