

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

THIRD SECTION

DECISION

Application no. 36740/19
Aleksey Iosifovich ROKHLIN
against Russia

The European Court of Human Rights (Third Section), sitting on 5 November 2020 as a Committee composed of:

Darian Pavli, *President,*
Dmitry Dedov,
Peeter Roosma, *judges,*
and Liv Tigerstedt, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 27 June 2019,

Having regard to the observations submitted by the respondent Government,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

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

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

THE LAW

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

The applicant complained that his pre-trial detention had been unreasonably long. He relied on Article 5 § 3 of the Convention, which read as follows:

Article 5 § 3

> "3. Everyone arrested or detained in accordance with the provisions of paragraph 1 (c) of this Article shall be ... entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial."

The Court observes that the 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).

Turning to the circumstances of the case, the Court notes that while extending the applicant's detention the domestic courts had relied on the existence of a reasonable suspicion of his involvement in aggravated and violent offences committed within an organised armed group in the period of time covering more than ten years and in the territory of several regions of the Russian Federation, with additional counts of criminal activities having been discovered in the course of the investigation. The courts also took into account the vulnerability of the victims and witnesses and the threats mounted against them by co-defendants, the complexity of the criminal cases against the applicant and the existence of a serious risk of his absconding or interfering with justice, confirmed, *inter alia*, by the pattern of their behaviour, organised nature of the crimes, extensive connection to the criminal underworld, financial resources and previous documented attempts to tamper with witnesses. The Court is satisfied that the domestic courts cited specific facts in support of their conclusions that the applicant was liable to obstruct justice, to re-offend or abscond. They also considered a possibility of applying alternative measures to him, but found them to be inadequate. The domestic courts duly examined all the pertinent factors and gave "relevant" and "sufficient" reasons to justify the applicant's continued detention. The Court further finds that the domestic authorities displayed "special diligence" in the conduct of the proceedings (see, for example, *Khloyev v. Russia*, no. 46404/13, §§ 96-107, 5 February 2015; *Topekhin v. Russia*, no. 78774/13, 10 May 2016; *Sopin v. Russia*, no. 57319/10, 18 December 2012; and *Isayev v. Russia*, no. 20756/04, 22 October 2009).

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 26 November 2020.

Liv Tigerstedt	Darian Pavli
Acting Deputy Registrar	President

APPENDIX

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

Application no. Date of introduction	Applicant's name Year of birth	Period of detention	Court which issued detention order/examined appeal	Length of detention
36740/19 27/06/2019	**Aleksey Iosifovich ROKHLIN** 1961	19/02/2017 pending	Syktyvkar Town Court of the Komi Republic; Supreme Court of the Komi Republic	More than 3 year(s) and 7 month(s) and 18 day(s)