

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

THIRD SECTION

DECISION

Application nos. 46427/16 and 25584/17
Irek Ilshatovich SADRIYEV against Russia
and Anton Nikolayevich DEMIN against Russia

The European Court of Human Rights (Third Section), sitting on 9 November 2017 as a Committee composed of:

Luis López Guerra, *President,*
Dmitry Dedov,
Jolien Schukking, *judges,*
and Liv Tigerstedt, *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 parties,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants and the relevant details of the applications are set out in the appended table.

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").

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

The applicants complained that their pre-trial detention was unreasonably long. They relied on Article 5 § 3 of the Convention, which reads as follows:

> "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, *McKay v. the United Kingdom* [GC], no. 543/03, §§ 41-44, ECHR 2006-X, and *Kudła v. Poland* [GC], no. 30210/96, § 110, ECHR 2000-XI).

Turning to the circumstances of the present case, the Court notes that while extending the applicants' detention the domestic courts relied on the existence of a reasonable suspicion of their involvement in grave criminal activities, the complexity of the criminal cases against them and the existence of a serious risk of their absconding or interfering with justice, confirmed, *inter alia*, by an attempt to abscond and the placement on the wanted persons' list of the applicant in application no. 25584/17 and the ties of the applicant in application no. 46427/16 to the criminal underworld, their important financial resources, the ease with which the applicants could have left the country or tamper with witnesses (see *Rydz v. Poland*, no. 13167/02, 18 December 2007, and *Celejewski v. Poland*, no. 17584/04, § 37, 4 August 2006). The Court is satisfied that the domestic courts cited specific facts in support of their conclusions that the applicants were liable to obstruct justice or 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. As regards application no. 25584/17, the Court notes the relatively short duration of the applicant's pre-trial detention. It further accepts the Government's argument in respect of the application no. 46427/16, that in cases, such as the one at hand, relating to organised criminal activities, involving numerous accused, and a large number of alleged counts of serious criminal acts, the process of gathering and hearing evidence is often a difficult task (see *Raducki v. Poland*, no. 10274/08, § 39, 22 February 2011; and further, 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). The Court also notes that the criminal proceedings against the applicant in application no. 46427/16 are at an

advanced stage. In these circumstances, it finds that the domestic authorities displayed "special diligence" in the conduct of these proceedings.

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,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 30 November 2017.

Liv Tigerstedt
Acting Deputy Registrar

Luis López Guerra
President

APPENDIX

No.	Application no. Date of introduction	Applicant name Date of birth	Period of detention
1.	46427/16 27/06/2016	**Irek Ilshatovich Sadriyev** 10/08/1994	16/01/2014 pending
2.	25584/17 01/03/2017	**Anton Nikolayevich Demin** 13/01/1986	05/01/2016 to 12/12/2016