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

THIRD SECTION

DECISION

Application no. 44253/08
Oleg Olegovich TETERIN against Russia
and 11 other applications
(see appended table)

The European Court of Human Rights (Third Section), sitting on 1 July 2021 as a Committee composed of:

Darian Pavli, *President,*
Dmitry Dedov,
Peeter Roosma, *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 and the observations in reply submitted by the applicants,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is 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"). 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 applicants complained that their pre-trial detention had been unreasonably long. They 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). In the present applications, having examined all the material before it, the Court considers that for the reasons stated below, the respondent Government cannot be held liable for excessive length of pre-trial detention.

The Court notes that while extending the applicants' detention the domestic courts had relied on the existence of a reasonable suspicion of their involvement in aggravated and/or violent offences, 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, organised nature of the crimes, extensive connection to the criminal underworld and/or substantial financial resources and previous documented attempts to tamper with witnesses or victims. 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 abscond. They also considered a possibility of applying alternative measures to those applicants 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 also 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 the applicants' complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

C. Remaining complaints

In applications nos. 44253/08, 32442/17 and 11365/18 the applicants also raised other complaints under various articles of the Convention.

The Court has examined the applications listed in the appended table 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 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 22 July 2021.

{signature_p_2}

Viktoriya Maradudina
Acting Deputy Registrar

Darian Pavli
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.	44253/08 07/08/2008	**Oleg Olegovich TETERIN** 1975	Davidyan Eleonora Moscow	15/03/2008 to 11/06/2008	Savelovskiy Ditrict Court, Moscow City Court	2 month(s) and 28 day(s)
2.	43753/16 26/12/2016	**Dmitriy Aleksandrovich BITSADZE** 1983		16/09/2015 to 26/09/2016	Syktyvkar Town Court of the Komi Republic	1 year(s) and 11 day(s)
3.	32442/17 11/10/2017	**Pavel Nikolayevich GRISHANIN** 1971	Zakharenko Igor Nikolayevich Syktyvkar	05/11/2015 to 06/02/2019	Syktyvkar Town Court of the Komi Republic	3 year(s) and 3 month(s) and 2 day(s)
4.	8815/18 01/02/2018	**Andrey Ildarovich GILVANOV** 1990	Alekseyenko Dmitriy Andreyevich Nizhniy Novgorod	22/03/2017 to 03/08/2018	Moscow District Court of Nizhniy Novgorod (1st instance); Nizhniy Novgorod Regional Court	1 year(s) and 4 month(s) and 13 day(s)
5.	9753/18 13/02/2018	**Vadim Vladimirovich BARINOV** 1979	Sukhoveyev Andrey Borisovich Kemerovo	11/02/2016 to 09/09/2019	Tsentralnyy District Court of Kemerovo; Kemerovo Regional Court	3 year(s) and 6 month(s) and 30 day(s)
6.	11365/18 15/02/2018	**Vyacheslav Robertovich SHATROVSKIY** 1969	Markin Konstantin Aleksandrovich Velikiy Novgorod	05/11/2017 to 24/05/2018	Tverskoy District Court of Moscow; Moscow City Court	6 month(s) and 20 day(s)
7.	13591/18 06/03/2018	**Konstantin Mikhaylovich TEPLYAKOV** 1982	Markin Konstantin Aleksandrovich Velikiy Novgorod	03/12/2016 to 06/09/2017	Lefortovskiy District Court of Moscow; Moscow City Court	9 month(s) and 4 day(s)
8.	17065/18 01/04/2018	**Islam Izrailovich NALGIYEV** 1962	Geroyev Akhmed Daudovich Moscow	14/06/2016 to 19/04/2019	Presnenskiy District Court of Moscow (1st instance); Moscow City Court (1st instance, appeal instance)	2 year(s) and 10 month(s) and 6 day(s)

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
9.	23811/18 11/05/2018	**Roman Viktorovich BORODIN** 1977		08/11/2017 to 29/08/2018	Mineralnyye Vody Town Court; Predgornyy District Court of Stavropol; Stavropol Regional Court	9 month(s) and 22 day(s)
10.	56047/18 22/11/2018	**Aleksandr Vadimovich BAKHTIN** 1963	Yevmenova Yelena Vladimirovna Krasnoyarsk	09/05/2018 to 31/07/2018	Zheleznodorozhnyy District Court of Krasnoyarsk, Krasnoyarsk Regional Court	2 month(s) and 23 day(s)
11.	8012/19 28/01/2019	**Maksim Andreyevich ABROSIMOV** 1992		23/11/2018 to 05/04/2019	Tsentralnyy District Court of Volgograd; Volgograd Regional Court	4 month(s) and 14 day(s)
12.	8528/19 11/01/2019	**Azat Ildusovich YARULLIN** 1977		10/07/2018 to 07/02/2019	Naberezhnyye Chelny Town Court of the Republic of Tatarstan; Supreme Court of the Republic of Tatarstan	6 month(s) and 29 day(s)