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

FIFTH SECTION

DECISION

Application no. 56283/08
Maia TOPURIA
against Georgia

The European Court of Human Rights (Fifth Section), sitting on 19 September 2017 as a Committee composed of:

Síofra O'Leary, *President,*
Nona Tsotsoria,
Lətif Hüseynov, *judges,*

and Anne-Marie Dougin, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 29 October 2008,

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

Having deliberated, decides as follows:

THE FACTS

1. The applicant, Ms Maia Topuria, is a Georgian national, who was born in 1966 and lives in Tbilisi. She was represented before the Court by Mr G. Nikolaishvili, a lawyer practising in Tbilisi.

2. The Georgian Government ("the Government") were represented by their Agent, Mr B. Dzamashvili, of the Ministry of Justice.

3. The facts of the case, as submitted by the parties, may be summarised as follows.

4. On 6 September 2006 the applicant was arrested and charged with high treason. Her pre-trial detention was initially authorised for a period of nine months, expiring on 6 June 2007.

5. By an order of 22 June 2007, the President of the Tbilisi Court of Appeal extended the applicant's pre-trial detention for another three months under Article 680(4) § 11 of the Code of Criminal Procedure, thus setting the overall period at the maximum permissible limit of twelve months. The President stated that the extension of the detention was conditioned by the exceptional complexity of the case, and that more time was needed to study the voluminous case materials and to prepare for the trial.

6. As was mentioned in the operative part of the order of 22 June 2007, no further appeal lay and it was final. The applicant was served with that order on the same day.

7. The applicant's trial started before the Tbilisi City Court, a court of first instance, in July 2007. On 24 August 2007 the trial court convicted the applicant as charged.

COMPLAINTS

8. Relying on Article 5 §§ 1 (c) and 3 of the Convention, the applicant complained that the extension of her pre-trial detention on 22 June 2007 was unlawful and unreasonable.

THE LAW

9. The applicant complained about her pre-trial detention under Article 5 §§ 1 (c) and 3 of the Convention.

10. The Government submitted that the application was inadmissible for failure to comply with the six-month rule, as provided for under Article 35 §§ 1 and 4 of the Convention.

11. The applicant disagreed.

12. The Court notes that the applicant's pre-trial detention within the meaning of Article 5 §§ 1 (c) and 3 ended upon her conviction at first instance on 24 August 2007 (see, amongst many other authorities, *Labita v. Italy* [GC], no. 26772/95, § 147, ECHR 2000-IV; *Kalashnikov v. Russia*, no. 47095/99, § 110, ECHR 2002-VI, and also *Jeladze v. Georgia*, no. 1871/08, § 52, 18 December 2012). However, she lodged her application with the Court only on 29 October 2008, which was more than six months after the date of her conviction at first instance.

13. It follows that the application is inadmissible for failure to comply with the six-month rule, and that it must be rejected under Article 35 §§ 1 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 12 October 2017.

Anne-Marie Dougin
Acting Deputy Registrar

Síofra O'Leary
President