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

FIRST SECTION

DECISION

Application no. 50704/21
Leon Leonard Johan VEEN against Slovakia
and 2 other applications
(see list appended)

The European Court of Human Rights (First Section), sitting on 22 May 2025 as a Committee composed of:

Artūrs Kučs*, President*,
Alena Poláčková,
Anna Adamska-Gallant*, judges*,
and Liv Tigerstedt, *Deputy Section Registrar,*

Having regard to:

the applications against the Slovak Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on the dates indicated in the appended table by Mr Leon Leonard Johan Veen, a Dutch national, who was born in 1982 ("the applicant") and was represented by Mr M. Mandzák, a lawyer practising in Bratislava;

the decision to give notice of the complaints under Article 5 §§ 3 and 4 and Article 6 § 2 of the Convention, concerning the alleged arbitrariness of the applicant's continued detention, the alleged lack of impartiality of the court deciding on the extension of his pre-trial detention at the hearing of 27 April 2021 and the alleged violation of the applicant's right to be presumed innocent, to the Slovak Government ("the Government"), represented by their Agent, Ms M. Bálintová, and to declare inadmissible the remainder of the applications;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the length and justification of the applicant's continued pre-trial detention, the alleged lack of impartiality of a judge when

deciding on its extension at a hearing on 27 April 2021, and the alleged violation of the applicant's presumption of innocence at that hearing on account of references made to him in a judgment of 22 April 2021, in which the court had accepted the guilty plea made by his co-accused.

2. On 22 October 2020, pursuant to a European Arrest Warrant ("EAW"), the applicant was removed from the Netherlands and handed over to the Slovakian authorities, which remanded him in custody on the basis of a reasonable suspicion that he had committed a serious drug trafficking offence as a member of an international organised criminal group. The Slovakian courts found that there was a risk that he would abscond, threaten the witnesses and continue his criminal activities.

3. On 22 April 2021 a court, consisting of B.P. as presiding judge and two other judges, accepted the guilty plea of F.D.R. (the applicant's co-accused) in disjoined proceedings and gave a judgment in which the applicant's full name was mentioned, as well as the fact that he was being prosecuted in a separate set of proceedings.

4. On 27 April 2021, acting as a single judge, B.P. decided to extend the applicant's pre-trial detention, finding that the risks of absconding, threatening witnesses and reoffending remained applicable. She also dismissed a request by the applicant that she recuse herself on account of her alleged lack of impartiality based on the references made to the applicant in the judgment of 22 April 2021. Following appeals lodged by the applicant, Judge B.P.'s decision was upheld by the appellate court and the Constitutional Court. As regards B.P.'s alleged lack of impartiality, the Constitutional Court reiterated that in the impugned decision the first-instance court had not made any assessment of the applicant's guilt but had only examined whether the grounds for his detention were still valid. It added that when assessing a possible violation of the presumption of innocence, the specific context had to be taken into account (file no. I. ÚS 364/2021).

5. On 30 August 2021 the first-instance court rejected the argument that there was a risk of the applicant obstructing the proceedings by threatening the witnesses. However, it kept him in custody on the basis of the risk of his absconding and reoffending.

6. On 23 September 2021 the applicant was indicted, and the case was reassigned to another chamber of the first-instance court, which continued the examination of his case. The composition of that chamber was entirely different from the one which had accepted F.D.R.'s guilty plea.

7. On 4 October 2021 the first-instance court dismissed the applicant's request for release, finding that the risks of his absconding and reoffending remained relevant. While the risk of the latter was based on the nature and characteristics of the crime (that is to say, an ongoing crime involving large quantities of drugs being shipped through Slovakia, Poland and Singapore to Australia, as well as financial gain), the risk of absconding was based on the

severity of the potential sentence (twenty to twenty-five years in prison) and considerations such as the applicant's financial situation, occupation and lack of ties to Slovakia or the Netherlands. The court's refusal to release the applicant on alternative measures was based on the absence of exceptional circumstances, which had been assessed against the background of the applicant's personality, his previous life, age, morals and the circumstances in which the offence had been committed.

8. Following appeals lodged by the applicant, that decision was upheld by both the appellate court and the Constitutional Court. Although the latter held that the lower courts' assessment of the applicant's risk of reoffending was borderline arbitrary, it found their assessment of the risk of absconding sufficiently reasoned and the applicant's pre-trial detention thus lawful. It added that, even if the existence of exceptional circumstances had been established, the risk of the applicant's absconding would have prevailed over the application of alternative measures, given the organised nature of the crime (file no. III. ÚS 90/2022).

9. On 22 December 2021 the first-instance court dismissed another request by the applicant for release. Following further appeals, that decision was upheld by the appellate court and the Constitutional Court, which reiterated their previous findings with regard to the risk of reoffending and absconding, as well as to the refusal to apply alternative measures (file no. II. ÚS 211/2022).

10. It appears from the parties' observations that the applicant submitted further requests for release on 17 October and 7 December 2022, which were subsequently rejected at two levels of jurisdiction, with the final decisions being taken by the Constitutional Court on 16 March 2023 (I. ÚS 152/2023) and 24 May 2023 (II. ÚS 252/2023) respectively. The Constitutional Court emphasised that the lower courts had duly responded to the applicant's main arguments regarding the issuance of the EAW (the domestic authorities had been unable to locate the applicant and serve him with the necessary documents), as well as the application of alternative measures.

11. In the meantime, on 18 January 2023 the applicant was found guilty of drug trafficking and sentenced to ten years' imprisonment by the first-instance court. It appears from the Government's observations that he subsequently lodged an appeal.

12. The applicant complained before the Court that his pre-trial detention had been excessive, that the reasons given by the domestic courts had been general and abstract, and that the application of alternative measures had been refused purely on the grounds that there were no exceptional circumstances. In addition, the applicant argued that Judge B.P., in deciding on 27 April 2021 to extend his pre-trial detention, had lacked impartiality and, in making references to him in the judgment of 22 April 2021, had not respected his right to be presumed innocent.

THE COURT'S ASSESSMENT

A. Joinder of the applications

13. Having regard to the similar subject matter of the applications and that they concern the same applicant, the Court finds it appropriate to examine them jointly in a single decision.

B. Alleged violation of Article 5 § 3 of the Convention

14. The general principles as regards Article 5 § 3 of the Convention have been summarised in *Buzadji v. the Republic of Moldova* ([GC], no. 23755/07, §§ 84-91, 5 July 2016).

15. As to the Government's objection that the applicant had failed to exhaust the domestic remedies regarding the authorities' obligation to display "special diligence" because he had not directed his constitutional complaints against the investigator and the first-instance court, thereby failing to challenge the overall length of his pre-trial detention in accordance with the formal requirements, the Court notes that it examined and dismissed essentially the same argument in *Roderik Abaffy v. Slovakia* [Committee], no. 38838/21 and 3 other applications, §§ 9-10, 16 January 2025. The Court finds nothing in the present case to justify a different conclusion from that reached in *Roderik Abaffy*. The objection is accordingly dismissed. Nevertheless, the complaints under Article 5 § 3 of the Convention are in any event inadmissible on the following grounds.

16. While before the Court the applicant challenged only the decisions to extend his pre-trial detention on the basis of the risk of his absconding and reoffending, starting with the decision of 4 October 2021 (see paragraphs 7-10 above), the entire period of pre-trial detention is relevant for the applicant's complaints (see *Buzadji*, cited above, § 85). His pre-trial detention lasted from 22 October 2020 until 18 January 2023 (almost two years and three months). Whether this period can be considered reasonable or not will depend on the specific features of the case and the reasons given by the domestic courts in their decisions on the applicant's requests for release (see ibid., § 90, with further references).

17. The Court observes that, in addition to the existence of reasonable suspicion, the risks of absconding and reoffending are reasons that it has previously deemed "relevant" and "sufficient" (ibid., § 88, with further references). Turning to the facts of the present case, while the Court agrees with the Constitutional Court that the domestic courts appear to have given insufficient reasons for extending the applicant's pre-trial detention on the basis of the risk of his reoffending, the situation is different as regards the risk of his absconding.

18. It appears from the domestic courts' decisions that they justified the applicant's pre-trial detention not only on the basis of the severity of the potential sentence but also on his lack of regular residence in the Netherlands or Slovakia, his personal and business connections (including outside the EU) and his financial resources. They further considered the organised nature of the crime, which involved the smuggling of an extensive quantity of drugs through Slovakia into several other countries (see paragraphs 7-9 above) and the reasons for issuing the EAW (see paragraph 10 above, and contrast *Banevi v. Bulgaria*, no. 25658/19, § 112, 12 October 2021, where the applicant notified the domestic authorities of his whereabouts and the exact time of his arrival in Bulgaria).

19. The Court finds that the above-mentioned grounds cannot be regarded as abstract, stereotyped or without any application to the applicant's case (contrast, for example, *Becciev v. Moldova*, no. 9190/03, § 62, 4 October 2005). Although the wording of the domestic decisions appears to be repetitive to some extent, the domestic courts cannot be criticised in that respect as their reasons remained valid throughout the applicant's pre-trial detention, which was the subject of multiple reviews (see *Knebl v. the Czech Republic*, no. 20157/05, § 68, 28 October 2010). In addition, account must be taken of the organised nature of the offence, which posed significant difficulties for the investigating authorities. The Court has accepted that, in similar circumstances, even prolonged pre-trial detention may be justified (see *Štvrtecký v. Slovakia*, no. 55844/12, § 58, 5 June 2018, with further references).

20. Turning to the consideration of alternative measures (see *Jablonski v. Poland*, no. 33492/96, § 83, 21 December 2000), the Court observes that the decisions of the national courts do not merely refer to the non-existence of exceptional circumstances, but contain an assessment of the applicant's personal situation, the seriousness of the offence of which he was accused and the risk posed by his release (see paragraphs 7 and 8 above, and *Grubnyk v. Ukraine*, no. 58444/15, § 128, 17 September 2020).

21. In respect of the domestic authorities' duty to exercise special diligence (see *Labita v. Italy* [GC], no. 26772/95, §§ 152-53, ECHR 2000-IV), the Court notes that the investigation focused on large-scale organised crime with several suspects and involved the need to hear several witnesses and obtain expert opinions and assistance in criminal matters from various countries. The first trial hearing took place two months after the filing of the indictment and proceeded with due diligence. In these circumstances the Court finds that the domestic authorities exercised special diligence (see *Štvrtecký*, cited above, §§ 67-71).

22. In the light of the above, the Court finds that the domestic courts gave both relevant and sufficient reasons for the prolongation of the applicant's pre-trial detention, which thus cannot be regarded as excessively long.

Therefore, this part of the application must be rejected as manifestly ill-founded in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

C. Alleged violation of Article 5 § 4 and Article 6 § 2 of the Convention

23. As regards the applicant's complaint concerning Judge B.P.'s alleged lack of impartiality in deciding on the extension of his pre-trial detention at the hearing on 27 April 2021, the Court notes that the guarantees of independence and impartiality as formulated under Article 6 of the Convention also apply to the term "court" referred to in Article 5 § 4 of the Convention (see *Baş v. Turkey*, no. 66448/17, § 267, 3 March 2020). While the mere fact that a judge in a criminal court has also made decisions concerning pre-trial detention cannot in itself be regarded as justifying fears as to his or her impartiality, there may nevertheless be special circumstances in which the applicant's fears may be objectively justified (see, *mutatis mutandis*, *Hauschildt v. Denmark*, 24 May 1989, §§ 50-52, Series A no. 154).

24. In the present case, the Court finds that no special circumstances objectively justifying the applicant's fears regarding Judge B.P.'s impartiality have been demonstrated. The Court does not agree with the applicant that at the hearing on 27 April 2021 Judge B.P. could not have objectively assessed the existence of a reasonable suspicion in view of her involvement in the acceptance of F.D.R.'s guilty plea. As appears from the record of the hearing of 22 April 2021 concerning F.D.R., he made a full confession and, consequently, the court, applying the relevant national law, assessed the evidence only in relation to the sentence, protective measures or damages. Therefore, it cannot be concluded that the assessment of the case carried out by Judge B.P. at F.D.R.'s hearing on 22 April 2021 reached such an extent in relation to the applicant as to give rise to objective doubts as to her impartiality at the applicant's hearing on 27 April 2021 (contrast *Meng v. Germany*, no. 1128/17, § 48, 16 February 2021).

25. In connection with that complaint, the applicant also argued that Judge B.P. had not respected the principle of the presumption of innocence. In that regard he referred to the Court's judgment in *Mucha v. Slovakia* (no. 63703/19, §§ 56 et seq., 25 November 2021).

26. The Court finds that the present case must be distinguished from *Mucha*. Firstly, on 27 April 2021 Judge B.P. did not rule on the applicant's guilt but only on whether the grounds for the extension of his pre-trial detention were still valid (see paragraph 4 above). Secondly, the applicant was subsequently tried and convicted by a trial court with a completely different composition from the court that had accepted F.D.R.'s guilty plea – thus not including Judge B.P. (see paragraph 6 above, and contrast *Mucha*, cited above, § 48, where the applicant was tried and convicted by the same trial court that had previously convicted his co-accused). Thus, the Court finds the applicant's complaint in this regard unsubstantiated.

27. In the light of the above, the Court concludes that this part of the application must also be rejected as manifestly ill-founded in accordance with Article 35 §§ 3 (a) 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 12 June 2025.

Liv Tigerstedt Deputy Registrar	Artūrs Kučs President

APPENDIX

List of cases:

No.	Application no.	Case name	Lodged on
1.	50704/21	Veen v. Slovakia	08/10/2021
2.	27787/22	Veen v. Slovakia	25/05/2022
3.	30195/22	Veen v. Slovakia	13/06/2022