

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

THIRD SECTION

DECISION

Application no. 76650/13
Andrey Borisovich YEFIMENKO against Russia
and 3 other applications
(see appended table)

The European Court of Human Rights (Third Section), sitting on 17 November 2016 as a Committee composed of:

Helena Jäderblom, *President,*
Dmitry Dedov,
Branko Lubarda, *judges,*
and Hasan Bakırcı, *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,

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 (excessive length of pre-trial detention)

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 the alleged violations of the Convention.

In particular, in application no. 76650/13 the latest detention order in the applicant's criminal proceedings in respect of which he brought an appeal was the decision of the Iskitimskiy District Court of the Novosibirsk Region dated 20 February 2013. The applicant's appeal was rejected by the Novosibirsk Regional Court on 18 March 2013. The application was lodged with the Court on 25 October 2013, which is more than six months later. It follows that the case should be rejected as having been lodged out of time, in accordance with Article 35 §§ 1 and 4 of the Convention.

The Court notes that in application no. 13875/14 the applicant's detention order of the Gornomariyskiy District Court of the Republic of Mary El dated 14 May was upheld on appeal by the Supreme Court of the Republic of Mary El on 23 May 2013. The case was lodged with the Court on 23 December 2013, which is more than six months later. It follows that the case should be rejected as having been lodged out of time, in accordance with Article 35 §§ 1 and 4 of the Convention.

In application no. 13879/14 the applicant's detention order dated 9 November 2012 was upheld on appeal by the Krasnodar Regional Court on 15 November 2012, whereas the case was lodged with the Court on 31 January 2014, which is more than six months later. It follows that this case should be rejected as having been lodged out of time, in accordance with Article 35 §§ 1 and 4 of the Convention.

In application no. 51213/14, the Court notes that the applicant's detention on remand lasted slightly over two months, from 22 January to 24 March 2014, following which the applicant was released. Given the motivation for the relatively short duration of the arrest, namely the existence of a reasonable suspicion of the applicant's involvement in an aggravated crime committed in an organised group and the statements of the victims heard in court regarding the threats received in the course of the proceedings, it cannot be said that the domestic courts had failed duly to consider all the relevant factors, that they did not give "relevant" and

"sufficient" reasons to justify the applicant's continued detention, or that they failed to display "special diligence" in the conduct of the proceedings (see, for example, *Topekhin v. Russia*, no. 78774/13, §§ 102-110, 10 May 2016). In view of the above, the Court finds that the applicant's 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 8 December 2016.

Hasan Bakırcı
Deputy Registrar

Helena Jäderblom
President

APPENDIX

No.	Application no. Date of introduction	Applicant name Date of birth	Representative name and location	Period of detention	Length of detention
1.	76650/13 25/10/2013	**Andrey Borisovich YEFIMENKO** 03/02/1983		01/11/2012 pending	More than 3 year(s) and 10 month(s) and 21 day(s)
2.	13875/14 23/12/2013	**Aleksandr Yevgenyevich ARKHIPOV** 02/07/1969		12/05/2013 pending	More than 3 year(s) and 4 month(s) and 10 day(s)
3.	13879/14 31/01/2014	**Nikolay Ilyich SADOVYY** 01/02/1958	**Skibin Vladimir Aleksandrovich** Krasnodar	28/11/2011 to 12/07/2013	1 year(s) and 7 month(s) and 15 day(s)
4.	51213/14 28/06/2014	**Kseniya Aleksandrovna SBORNOVA** 13/05/1987	**Batyants Samvel Sergeyevich** Nizhniy Novgorod	22/01/2014 to 24/03/2014	2 month(s) and 3 day(s)