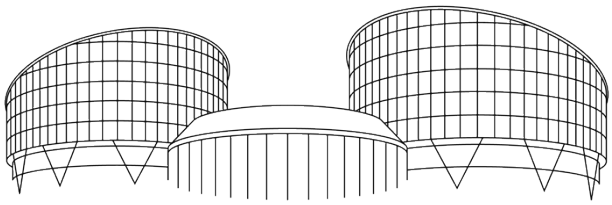

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

CASE OF ALIKHONOV v. RUSSIA

(Application no. 35692/11)

JUDGMENT

STRASBOURG

31 July 2012

FINAL

31/10/2012

This judgment has become final under Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Alikhonov v. Russia,

The European Court of Human Rights (First Section), sitting as a Chamber composed of:

Nina Vajić, *President,*
Anatoly Kovler,
Khanlar Hajiyev,
Mirjana Lazarova Trajkovska,
Julia Laffranque,
Linos-Alexandre Sicilianos,
Erik Møse, *judges,*

and Søren Nielsen, *Section Registrar,*

Having deliberated in private on 10 July 2012,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application (no. 35692/11) against the Russian Federation lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by an Uzbekistani national, Mr Ebodulla Tangiriyevich Alikhonov ("the applicant"). On 13 June 2011 the applicant introduced a complaint under Article 3 of the Convention about his extradition to Uzbekistan. On 29 June 2011 he submitted an application form in which he further complained under Article 5 of the Convention about his detention with a view to extradition and under Article 13 of the Convention about the lack of an effective remedy in respect of his grievances under Article 3 of the Convention.

2. The applicant was represented by Ms N. Yermolayeva and Ms Ye. Ryabinina, lawyers practising in Moscow. The Russian Government ("the Government") were represented by Mr G. Matyushkin, Representative of the Russian Federation at the European Court of Human Rights.

3. On 15 June 2011 the President of the First Section, acting upon the applicant's request of 14 June 2011, granted priority treatment to the case under Rule 41 of the Rules of Court and indicated to the Russian Government, under Rule 39 of the Rules of Court, that the applicant should not be extradited to Uzbekistan until further notice.

4. On 31 August 2011 the application was communicated to the Government. It was also decided to rule on the admissibility and merits of the application at the same time (Article 29 § 1).

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

5. The applicant was born in 1972 and lives in Artemovskiy, Sverdlovsk Region.

A. Extradition proceedings and the applicant's detention

6. In July 2009 the applicant moved from Uzbekistan to Russia.

7. On 22 February 2010 the Investigating Division of the Department of the Interior of the Kashkadarya Region of the Uzbekistan Republic charged the applicant *in absentia* with participation in an extremist religious organisation and ordered his arrest. The applicant's name was put on the wanted persons list.

8. On 29 October 2010 the Russian authorities arrested the applicant and informed the Uzbekistani ambassador in Russia thereof. The Uzbekistani authorities confirmed their request for the applicant's extradition.

9. On 30 October 2010 the Town Prosecutor authorised the applicant's detention pending extradition. In particular, the prosecutor stated as follows:

> "The offence [the applicant is charged with] as provided for in Article 244-2 § 1 of the Criminal Code of the Uzbekistan Republic, is a serious one, ... it entails a custodial sentence. In the Russian Federation a similar offence would be classified as per Article 282.1 § 2 of the Criminal Code of the Russian Federation as participation in an extremist group and might entail, *inter alia*, a custodial sentence of up to two years.
>
> [The applicant] is a national of a foreign state, he has not applied for [Russian nationality]. There are no criminal proceedings pending against him in Russia. His name is on the international wanted persons' list. He is sought by a member state of the Convention On Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 22 January 1993 in connection with an offence entailing a custodial sentence exceeding one year.
>
> Pursuant to Article 463 of the Code of Criminal Procedure of the Russian Federation, [the applicant] can be extradited to the law enforcement bodies of the Uzbekistan Republic for the purpose of criminal prosecution.
>
> In order to ensure the [applicant's] extradition to the authorities of the Uzbekistan Republic, it is necessary to remand him in custody pursuant to the decision of the Karshi Court of the Kashkadarya Region of the Uzbekistan Republic."

10. On 8 December 2010 the Town Prosecutor issued another order remanding the applicant in custody with a view to extradition reiterating verbatim the reasoning of his previous order of 30 October 2010.

11. On 10 December 2010 the Town Prosecutor asked the court to extend the applicant's detention pending extradition until 30 April 2011 and

on 17 December 2010 the Oktyabrskiy District Court of Yekaterinburg authorised the applicant's detention until 29 April 2011. In particular, the court reasoned as follows:

> "Having regard to the nature of the offence [the applicant] is charged with and the danger it presents to the public order, the court considers ... the prosecutor's arguments to be well-founded given that [the applicant] is charged with a serious offence entailing a custodial sentence from five to fifteen years as per the Criminal Code of the Uzbekistan Republic, that his name was put on the wanted persons' list, [and] that he is a national of a foreign state. In view of the said circumstances the court considers that, if released, [the applicant] might continue his criminal activities or abscond ...
>
> The circumstances underlying [the authorities' decision] to remand the applicant in custody have not ceased to exist. The court does not discern any circumstances, including the applicant's condition, that would render him unfit for detention."

12. On 20 December 2010 the applicant's counsel lodged an appeal against the decision of 17 December 2010 alleging that there were no grounds for the applicant's extradition and that he should be released. The appeal hearing was first scheduled for 21 January 2011.

13. On 21 January 2011 the Regional Court found that (1) the applicant had not been apprised of his right to take part in the appeal hearing; (2) other parties to the proceedings had not been informed of the appeal lodged; and (3) the decision had not been translated into Uzbek. The Regional Court adjourned the hearing and remitted the case-file to the District Court in order to rectify the noted procedural irregularities. The new appeal hearing was scheduled for 2 March 2011.

14. On 18 February 2011 the Deputy General Prosecutor of the Russian Federation granted the Uzbekistani request and ordered the applicant's extradition to Uzbekistan. The applicant appealed.

15. On 2 March 2011 the Regional Court considered it necessary to obtain additional materials necessary for consideration of the appeal, adjourned the hearing and scheduled a new one for 4 March 2011.

16. On 4 March 2011 the Sverdlovsk Regional Court upheld the detention order of 17 December 2010 on appeal.

17. On 7 April 2011 the Regional Court upheld the prosecutor's decision of 18 February 2011. The applicant appealed.

18. On 30 April 2011 the applicant was released due to the expiry of the maximum period of his lawful detention.

19. On 20 June 2011 the Supreme Court of Russia quashed the decision of 7 April 2011 and remitted the matter for fresh consideration.

20. On 2 August 2011 the Regional Court quashed the decision of 18 February 2011. In particular, the court noted as follows:

> "... the General Prosecutor's Office of the Uzbekinstan Republic guarantees that the criminal prosecution in respect of [the applicant] will be carried out in strict compliance with law.

> However, it follows from the documents prepared by the UN and various NGO's and submitted by the defence as well as from the judgments of the European Court of Human Rights that in the Uzbekistan Republic defendants and convicted persons are often subjected to ill-treatment; torture and violence are not uncommon.
>
> In a number of judgments the European Court of Human Rights found that the mere fact of a person's remand in custody in that country subjected him to a risk of ill-treatment.
>
> Having regard to the above, the court concludes that the decision of the Deputy General Prosecutor of the Russian Federation of 18 February 2011 to extradite [the applicant] to the Uzbekistani law-enforcement authorities ... is not lawful and shall be quashed."

21. On 29 September 2011 the Supreme Court of Russia upheld the decision of 2 August 2011 on appeal.

B. Application for asylum

22. On 30 December 2010 the applicant lodged an application for political asylum in Russia. On 14 February 2011 he was interviewed by the regional migration service.

23. On 15 March 2011 the regional migration department dismissed his request, noting that the applicant "takes advantage of the asylum proceedings in order to escape criminal liability in connection with the crime he has committed ... in Uzbekistan." The applicant appealed.

24. On 25 May 2011 the Federal Migration Service upheld the decision of 15 March 2011. The applicant appealed to the court.

25. On 13 October 2011 the Basmannyy District Court of Moscow found the decision of 25 May 2011 lawful. On 6 February 2012 the Moscow City Court upheld the decision of 13 October 2011 on appeal.

26. On 20 February 2011 the applicant submitted a request for temporary asylum. According to the applicant, the proceedings are still pending.

II. RELEVANT INTERNATIONAL AND DOMESTIC LAW

A. The Russian Constitution

27. The Constitution guarantees the right to liberty (Article 22):

> "1. Everyone has the right to liberty and personal integrity.
>
> 2. Arrest, placement in custody and detention are permitted only on the basis of a judicial decision. Prior to a judicial decision, an individual may not be detained for longer than forty-eight hours."

B. The European Convention on Extradition

28. Article 16 of the European Convention on Extradition of 13 December 1957 (CETS no. 024), to which Russia is a party, provides as follows:

> "1. In case of urgency the competent authorities of the requesting Party may request the provisional arrest of the person sought. The competent authorities of the requested Party shall decide the matter in accordance with its law.
>
> ...
>
> 4. Provisional arrest may be terminated if, within eighteen days of arrest, the requested Party has not received the request for extradition and the documents mentioned in Article 12. It shall not, in any event, exceed forty days from the date of that arrest. The possibility of provisional release at any time is not excluded, but the requested Party shall take any measures which it considers necessary to prevent the escape of the person sought."

C. The 1993 Minsk Convention

29. The CIS Convention on legal aid and legal relations in civil, family and criminal matters (the 1993 Minsk Convention), to which both Russia and Uzbekistan are parties, provides that a request for extradition must be accompanied by a detention order (Article 58 § 2).

30. A person whose extradition is sought may be arrested before receipt of a request for his or her extradition. In such cases a special request for arrest, containing a reference to the detention order and indicating that a request for extradition will follow, must be sent. A person may also be arrested in the absence of such a request if there are reasons to suspect that he or she has committed, in the territory of the other Contracting Party, an offence entailing extradition. The other Contracting Party must be immediately informed of the arrest (Article 61).

31. A person arrested under Article 61 must be released if no request for extradition is received within forty days of the arrest (Article 62 § 1).

D. The Code of Criminal Procedure (the "CCrP")

32. Chapter 13 of the Russian Code of Criminal Procedure ("Preventive measures") governs the use of preventive measures (*меры пресечения*), which include, in particular, placement in custody. Custody may be ordered by a court on an application by an investigator or a prosecutor if a person is charged with an offence carrying a sentence of at least two years' imprisonment, provided that a less restrictive preventive measure cannot be used (Article 108 §§ 1 and 3). The period of detention pending investigation may not exceed two months (Article 109 § 1). A judge may extend that

period to six months (Article 109 § 2). Further extensions to twelve months, or in exceptional circumstances eighteen months, may be granted only if the person is charged with serious or particularly serious criminal offences (Article 109 § 3). No extension beyond eighteen months is permissible and the detainee must be released immediately (Article 109 § 4).

33. Chapter 16 ("Complaints about acts and decisions by courts and officials involved in criminal proceedings") provides for the judicial review of decisions and acts or failures to act by an investigator or a prosecutor that are capable of adversely affecting the constitutional rights or freedoms of parties to criminal proceedings (Article 125 § 1). The court must examine the complaint within five days of its receipt.

34. Chapter 54 ("Extradition of a person for criminal prosecution or execution of sentence") regulates extradition procedures. On receipt of a request for extradition not accompanied by an arrest warrant issued by a foreign court, a prosecutor must decide on the preventive measure to be applied to the person whose extradition is sought. The measure must be applied in accordance with the established procedure (Article 466 § 1). A person who has been granted asylum in Russia because of possible political persecution in the State seeking his extradition may not be extradited to that State (Article 464 § 1 (2)).

35. An extradition decision made by the Prosecutor General may be challenged before a court. Issues of guilt or innocence are not within the scope of judicial review, which is limited to an assessment of whether the extradition order was made in accordance with the procedure set out in the relevant international and domestic law (Article 463 §§ 1 and 6).

E. Directive Decision no. 22 of 29 October 2009

36. In Directive Decision No. 22, adopted by the Plenary Session of the Supreme Court of the Russian Federation on 29 October 2009 ("Directive Decision of 29 October 2009"), it was stated that, pursuant to Article 466 § 1 of the CCrP, only a court could order placement in custody of a person in respect of whom an extradition request was pending and the authorities of the country requesting extradition had not submitted a court decision to place him or her in custody. The judicial authorisation of placement in custody in that situation was to be carried out in accordance with Article 108 of the CCrP and following a prosecutor's petition to place that person in custody. In deciding to remand a person in custody a court was to examine if there existed factual and legal grounds for applying the preventive measure. If the extradition request was accompanied by a detention order of a foreign court, a prosecutor might remand the person in custody without a Russian court's authorisation (Article 466 § 2 of the CCrP) for a period not exceeding two months, and the prosecutor's decision could be challenged in the courts under Article 125 of the CCrP. In

extending a person's detention with a view to extradition a court was to apply Article 109 of the CCrP.

THE LAW

I. ALLEGED VIOLATION OF ARTICLES 3 AND 13 OF THE CONVENTION

37. The applicant stated in his memorial that he did not wish to pursue his complaints under Articles 3 and 13 of the Convention in respect of the risk that he would be subjected to torture and ill-treatment in the event of his extradition to Uzbekistan.

38. Referring to the quashing of the Deputy Prosecutor General's decision by the Sverdlovsk Regional Court on 2 August 2011 as upheld on appeal by the Supreme Court of Russia on 29 September 2011, the Government considered that the applicant could no longer claim to be the victim of the violation alleged.

39. The Court accepts that, in these circumstances, the applicant no longer wishes to pursue this part of the application, within the meaning of Article 37 § 1 (a) of the Convention. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of the applicant's complaints under Articles 3 and 13 of the Convention.

40. In view of the above, it is appropriate to strike this part of the application out of the list.

II. RULE 39 OF THE RULES OF COURT

41. The Court considers that the interim measure indicated to the Government under Rule 39 of the Rules of Court (see paragraph 3 above) must be lifted.

III. ALLEGED VIOLATION OF ARTICLE 5 OF THE CONVENTION

42. The applicant complained that he had been deprived of his liberty in contravention of the guarantees set forth in Article 5 § 1 (f) of the Convention. In particular, he alleged that the detention orders of 30 October, 8 and 17 December 2010 had been unlawful. He further complained under Article 5 § 4 of the Convention that his appeal against the decision of 17 December 2010 had been considered belatedly and that he had not been

able to obtain an effective judicial review of his detention extended on 17 December 2010. Article 5, in so far as relevant, reads as follows:

> "1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:
>
> ...
>
> (f) the lawful arrest or detention ... of a person against whom action is being taken with a view to deportation or extradition.
>
> ...
>
> 4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.
>
> ..."

43. Referring to Article 35 § 1 of the Convention, the Government considered the applicant's complaint to be inadmissible. They further suggested that, following the quashing of the prosecutor's decision of 18 February 2011, it remained open to the applicant to seek damages resulting from the alleged violation of his rights set out in Article 5 of the Convention, which he had failed to do.

44. The applicant maintained his complaint. He also pointed out that the Government had failed to raise the issue of the six-month rule in respect of his complaints.

A. Admissibility

1. The applicant's victim status and the issue of exhaustion of domestic remedies

45. In so far as the Government may be understood to be suggesting that the applicant has lost his victim status and has chosen not to apply for compensation for the violation of his right to liberty, the Court reiterates that under Article 34 of the Convention it "may receive applications from any person ... claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in the Convention or the Protocols thereto". It falls first to the national authorities to redress any alleged violation of the Convention. In this regard, the question whether an applicant can claim to be a victim of the violation alleged is relevant at all stages of the proceedings under the Convention (see *Burdov v. Russia*, no. 59498/00, § 30, ECHR 2002-III).

46. The Court also reiterates that a decision or measure favourable to the applicant is not in principle sufficient to deprive him of his status as a "victim" unless the national authorities have acknowledged, either expressly or in substance, and then afforded redress for, the breach of the Convention (see, for example, *Eckle v. Germany*, 15 July 1982, §§ 69 et seq., Series A no. 51; *Amuur v. France*, 25 June 1996, § 36, *Reports* 1996-III; *Dalban v. Romania* [GC], no. 28114/95, § 44, ECHR 1999-VI; and *Jensen v. Denmark* (dec.), no. 48470/99, ECHR 2001-X).

47. Turning to the circumstances of the present case, the Court observes that on 2 August 2011 the Regional Court quashed the decision of 18 February 2011 which ordered the applicant's extradition. On 29 September 2011 the Supreme Court of Russia upheld the decision of 2 August 2011 on appeal. The Regional Court found the decision to extradite the applicant unlawful and quashed it. It remained silent, however, as to the applicant's detention pending extradition.

48. In such circumstances, the Court concludes that at no point did the Russian authorities acknowledge, at least in substance, that the applicant's detention was unlawful or that he had been unable to obtain a speedy review of his detention. Accordingly, it was not incumbent on the applicant to bring an action for damages seeking compensation to obtain redress. The Court therefore finds that the applicant can still claim to be the "victim" of a breach of Article 5 of the Convention and dismisses the Government's objection.

2. Application of the six-month rule

49. The Court reiterates that it is not open to it to set aside the application of the six-month rule solely because a Government have not made a preliminary objection to that effect (see *Blečić v. Croatia* [GC], no. 59532/00, § 68, ECHR 2006-III).

50. In this connection, the Court observes that the applicant's complaint concerns the alleged unlawfulness of the arrest orders of 30 October 2010 and 8 December 2010 and a subsequent order extending his detention of 17 December 2010. The latter was upheld on appeal on 4 March 2011.

51. The Court further observes that the applicant lodged his complaints under Article 5 of the Convention on 29 June 2011. It follows that the applicant's complaints concerning the arrest orders issued on 30 October and 8 December 2010 has been lodged out of time and must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention for non-compliance with the six-month time-limit.

52. The Court notes that the complaints in the part concerning the lawfulness and review of the applicant's detention authorised by the court order of 17 December 2010 as upheld on appeal on 4 March 2011 are not manifestly ill-founded within the meaning of Article 35 § 3 of the

Convention. It further notes that they are not inadmissible on any other grounds. They must therefore be declared admissible.

B. Merits

1. Lawfulness of detention

(a) General principles

53. The Court reiterates at the outset that Article 5 enshrines a fundamental human right, namely, the protection of the individual against arbitrary interference by the State with his or her right to liberty (see *Aksoy v. Turkey*, 18 December 1996, § 76, *Reports* 1996-VI). The text of Article 5 makes it clear that the guarantees it contains apply to "everyone" (see *A. and Others v. the United Kingdom* [GC], no. 3455/05, § 162, ECHR 2009). Sub-paragraphs (a) to (f) of Article 5 § 1 contain an exhaustive list of permissible grounds on which persons may be deprived of their liberty, and no deprivation of liberty will be lawful unless it falls within one of those grounds (ibid, § 163).

54. The Court also reiterates that the expressions "lawful" and "in accordance with a procedure prescribed by law" in Article 5 § 1 essentially refer back to national law and state the obligation to conform to the substantive and procedural rules thereof. It is in the first place for the national authorities, and notably the courts, to interpret domestic law, and in particular, rules of a procedural nature (see *Toshev v. Bulgaria*, no. 56308/00, § 58, 10 August 2006). The words "in accordance with a procedure prescribed by law" in Article 5 § 1 do not merely refer back to domestic law; they also relate to the quality of this law, requiring it to be compatible with the rule of law, a concept inherent in all Articles of the Convention (see *Stafford v. the United Kingdom* [GC], no. 46295/99, § 63, ECHR 2002-IV). Quality in this sense implies that where a national law authorises deprivation of liberty, it must be sufficiently accessible and precise, in order to avoid all risk of arbitrariness (see, among others, *Dougoz v. Greece*, no. 40907/98, § 55, ECHR 2001-II).

(b) Application of the principles in the present case

55. Turning to the circumstances of the present case, the Court observes that on 17 December 2010 the applicant's detention with a view to extradition was extended by a District Court. The lawfulness of the order was reviewed and confirmed by the appeal court.

56. The Court also observes that the District Court specified the maximum length of time the applicant could be detained in the detention order. Both the District and the Regional Courts assessed the lawfulness of

that detention and various circumstances which were considered to be relevant to it.

57. The Court does not find any reason to disagree with the domestic assessment. As prescribed by Article 109 § 2 of the CCrP, the period of the applicant's detention with a view to extradition was terminated on 30 April 2011 upon the expiry of the six-month term.

58. The applicant did not put forward any other argument, either before the domestic courts or this Court, which would prompt the latter to consider that his detention was in breach of Article 5 § 1 (f) of the Convention. Under such circumstances, the Court does not find that the domestic courts acted in bad faith, that they neglected to apply the relevant legislation correctly or that the applicant's detention during the relevant period of time was unlawful or arbitrary.

59. There has therefore been no violation of Article 5 § 1 of the Convention as regards the lawfulness of the applicant's detention from 17 September 2010 to 30 April 2011.

2. Review of detention

60. The Court reiterates that Article 5 § 4 of the Convention, in guaranteeing to persons detained a right to institute proceedings to challenge the lawfulness of their detention, also proclaims their right, following the institution of such proceedings, to a speedy judicial decision concerning the lawfulness of detention and ordering its termination if it proves unlawful (see *Baranowski v. Poland*, no. 28358/95, § 68, ECHR 2000-III). The question whether the right to a speedy decision has been respected must be determined in the light of the circumstances of each case (see *Rehbock v. Slovenia*, no. 29462/95, § 84, ECHR 2000-XII).

61. Turning to the circumstances of the present case, the Court observes that on 17 December 2010 the District Court extended the applicant's detention with a view to extradition given the gravity of the charges against him and danger of absconding. In the appeal lodged on 20 December 2010, the applicant's counsel contested these grounds. In the Court's opinion, these were straightforward matters, and it has not been argued by the Government that the case in itself disclosed any complex features.

62. The Court further observes that the appeal hearing took place only on 4 March 2011, that is, two months and thirteen days after the appeal was lodged. In this connection, the Court notes that there is nothing in the materials before it to suggest that the applicant or his counsel in some way contributed to the length of the appeal proceedings. It therefore follows that the entire length of the appeal proceedings is attributable to the domestic authorities. The Regional Court adjourned the appeal hearing twice owing to the lower court's failure to make all the necessary preparatory steps (see paragraphs 13 and 15 above). The Government did not provide any justification for these delays.

63. Having regard to the above, the Court considers that the period of two months and thirteen days cannot be considered compatible with the "speediness" requirement of Article 5 § 4. There has therefore been a violation of that provision.

64. In view of the above, the Court does not consider it necessary to examine the remainder of the applicant's allegations concerning the lack of an effective procedure by which he could have challenged his detention.

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

65. Article 41 of the Convention provides:

> "If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

A. Damage

66. The applicant claimed 10,000 euros (EUR) in respect of non-pecuniary damage.

67. The Government did not comment.

68. The Court considers that the applicant must have sustained some anguish and suffering as a result of the lack of a speedy review of his detention with a view to extradition and that this would not be adequately compensated by the finding of a violation alone. However, the amount claimed by the applicant appears to be excessive. Making its assessment on an equitable basis, it awards him EUR 3,000 under that head, plus any tax that may be chargeable on that amount.

B. Costs and expenses

69. The applicant also claimed EUR 4,300 for the legal fee incurred before the Court.

70. The Government did not comment

71. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these have been actually and necessarily incurred and are reasonable as to quantum. In the present case, regard being had to the fact that the applicant has only been successful in part, to the documents in its possession and the above criteria, the Court considers it reasonable to award the sum of EUR 850 for the proceedings before the Court.

C. Default interest

72. The Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Decides* to strike the applicant's complaints under Articles 3 and 13 of the Convention out of its list;

2. *Decides* that the indication made to the Government under Rule 39 of the Rules of Court must be lifted;

3. *Declares* the complaints concerning the lawfulness and review of the applicant's detention with a view to extradition as authorised by the court order of 17 December 2010 admissible and the remainder of the application inadmissible;

4. *Holds* that there has been no violation of Article 5 § 1 of the Convention on account of the alleged unlawfulness of the applicant's detention from 17 December 2010 to 30 April 2011;

5. *Holds* that there has been a violation of Article 5 § 4 of the Convention on account of the lack of a speedy review of the applicant's detention as authorised by the court order of 17 December 2010;

6. *Holds*
   (a) that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts, to be converted into Russian roubles applicable at the date of settlement:
      (i) EUR 3,000 (three thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
      (ii) EUR 850 (eight hundred and fifty euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

7. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 31 July 2012, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Søren Nielsen	Nina Vajić
Registrar	President