



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

FIRST SECTION

Application no. 38428/06
Edgar Vladimirovich MIRONOV
against Russia
lodged on 17 August 2006

STATEMENT OF FACTS

The applicant, Mr Edgar Vladimirovich Mironov, is a Russian national, who was born in 1989 and lived, prior to his arrest, in Pskov.

The circumstances of the case

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

The applicant, a minor at the time, was suspected of several counts of robbery. On 29 December 2005 the applicant was brought for questioning to the police station. A day later he was released on his parents' recognisance.

On 20 January 2006 the applicant was arrested again in connection with his involvement in other robberies. The Pskov Town Court dismissed the prosecutor's request to remand the applicant in custody. On 8 February 2006 the Pskov Regional Court quashed the said decision on appeal and remitted the matter for new consideration.

On 6 February 2006 the applicant was questioned as a suspect in a number of crimes, including, *inter alia*, a rape and a robbery. The investigator released him on an undertaking not to leave town.

On 15 February 2006 the Town Court authorised the applicant's pre-trial detention. It appears that he contracted diphtheria, while in custody, and was admitted to the remand prison hospital on 22 February 2006.

On 1 March 2006 the Regional Court noted that, in view of the investigator's decision of 6 February 2006, it was no longer necessary for the lower court to decide on the measure of restraint to be imposed on the applicant on the applicant, if any, and discontinued the proceedings. The applicant was released on 2 March 2006.

On 9 May 2006 the applicant was arrested in relation to another robbery. On 10 May 2006 the Town Court authorised the applicant's pre-trial detention. The court noted as follows:

“[The applicant] is charged with a grievous offence entailing a custodial sentence up to seven years.

[The applicant] is a minor. He is a student and prepares for school examinations. He was intoxicated when he committed the offence. In court he submitted that he had an indifferent attitude towards the offences he was charged with. This fact makes his acts more dangerous for the public.

...

If released, [the applicant] may commit a new crime. Following the quashing of the detention order he did not change his attitude. Nor did his parents who were responsible for his upbringing.

[The applicant] must be remanded in custody given that any measure of restraint other than detention will not ensure the protection of the society against the [applicant's] behaviour.”

On 10 July 2006 the Town Court fixed the trial concerning three counts of robbery for 24 July 2006 and ruled that the earlier measure of restraint imposed on the applicant should remain unchanged. On 2 August 2006 the Regional Court upheld the decision of 10 July 2006 on appeal.

On 29 November 2006 the Town Court extended the applicant's pre-trial detention until 6 March 2007 noting as follows:

“[The applicant] is charged with several ... criminal offences, two of which are grievous. Accordingly, the court does not consider it possible to replace [pre-trial detention] with a more lenient measure of restraint.”

On 13 December 2006 the Regional Court upheld the decision of 29 November 2006 on appeal. The court found without merit the applicant's argument that his pre-trial detention had not been properly authorised.

On 20 June 2007 the Town Court found the applicant guilty of several counts of robbery and sentenced him to four years' imprisonment. On 12 September 2007 the Regional Court upheld his conviction on appeal.

On 20 December 2007 the Town Court found the applicant guilty of several counts of robbery and a rape and sentenced him to five years' imprisonment. The court also indicated that the applicant was to serve both sentences concurrently. On 6 February 2008 the Regional Court upheld the applicant's conviction on appeal.

COMPLAINTS

In the application form of 17 August 2006 the applicant complains about conditions of his detention from 15 February to 2 March 2006, a review of his pre-trial detention authorised by a court order of 15 February 2006 and a delay in release from custody on 2 March 2006. He refers to Articles 3, 6 and 13.

In the application form of 1 February 2007 the applicant complains under Articles 5 and 6 of the Convention that his pre-trial detention from 8 to 10 July 2006 was unlawful.

In the application form of 28 April 2007 the applicant complains under Articles 5 and 13 of the Convention that the extension of his pre-trial detention on 29 November 2006 was unlawful.

In the application form of 7 March 2008 the applicant complains under Articles 6 and 13 of the Convention and under Article 2 of Protocol No. 7 about unfairness and length of the criminal proceedings against him.

QUESTION TO THE PARTIES

Was the applicant deprived of his liberty in breach of Article 5 § 1 of the Convention? In particular, did the deprivation of liberty during the period between 1 and 2 March 2006 fall within paragraph (c) of this provision (see, for example, *Eminbeyli v. Russia*, no. 42443/02, § 49, 26 February 2009)?