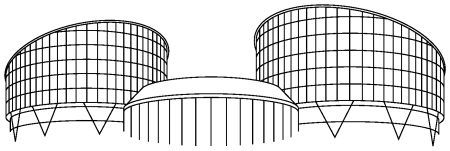

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

CASE OF SIGAREV v. RUSSIA

(Application no. 53812/10)

JUDGMENT

STRASBOURG

30 October 2014

FINAL

30/01/2015

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

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

In the case of Sigarev v. Russia,

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

Isabelle Berro-Lefèvre, *President,*
Elisabeth Steiner,
Khanlar Hajiyev,
Mirjana Lazarova Trajkovska,
Julia Laffranque,
Paulo Pinto de Albuquerque,
Dmitry Dedov, *judges,*
and Søren Nielsen, *Section Registrar,*

Having deliberated in private on 7 October 2014,

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

PROCEDURE

1. The case originated in an application (no. 53812/10) 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 a Russian national, Mr Yevgeniy Mikhaylovich Sigarev ("the applicant"), on 16 July 2010.

2. The applicant was represented by Mr A. Dankov, a lawyer practising in Kursk. The Russian Government ("the Government") were represented by Mr G. Matyushkin, Representative of the Russian Federation at the European Court of Human Rights.

3. The applicant alleged, in particular, that on 15 March 2010 he had been detained without a court order and that his pre-trial detention had been unreasonably long.

4. On 8 November 2011 the application was communicated to the Government.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

5. The applicant was born in 1958 and lives in Kursk.

A. The applicant's arrest and detention during investigation

6. On 16 December 2008 the applicant, a high-ranking police officer at the time, was arrested on suspicion of misappropriation of funds and abuse of power.

7. On 17 December 2008 the applicant was charged with abuse of power and fraud.

8. On 18 December 2008 the Leninskiy District Court of Kursk authorised the applicant's detention pending investigation. The court noted, in particular, as follows:

> "It follows from the materials submitted that the investigating authorities have grounds to charge the applicant with [abuse of power and fraud] which entail a custodial sentence exceeding two years.
>
> ...
>
> When deciding to remand [the applicant] in custody, the court also takes into account that the circumstances justifying deprivation of liberty are reasonable suspicion [that the applicant committed the offences he is charged with] and the investigator's argument that, if at large, [the applicant] would put pressure on witnesses, attempt to destroy evidence and interfere with the investigation.
>
> The investigating authorities consider that, if at large, [the applicant] might put pressure on witnesses. This fact was confirmed by witness Sp., who stated that [the applicant] and B. wilfully and knowingly kept him in an office [at the regional migration service] from 5 p.m. on 7 November 2008 to 0:30 a.m. on 8 November 2008 in order to make him change his testimony, write an explanation and tender his resignation ...
>
> Witness V. submitted that ... [the applicant] had put pressure on him. [The applicant] ordered an internal inquiry in respect of V. allegedly for V.'s failure to prepare certain documents. On 3 December 2008 ... [the applicant] removed V. from office.
>
> Furthermore, it follows from the materials submitted that, according to Sp., on 8 November 2011, after he had left the building of [the regional migration service] he had been assaulted and sustained bodily injuries ... When questioned, Sp. submitted that the assault, in his opinion, had been connected with the criminal investigation against [the applicant] and Sp.'s testimony [against him].
>
> Following complaints lodged by Sp. and V., who feared for their lives, the investigating authorities considered including the said witnesses in the state protection programme.
>
> Furthermore, it follows from the materials ... submitted by the investigating authorities that [the applicant] had attempted to hide documents ... prevent witnesses from being questioned ... and reconcile testimonies in order to evade criminal liability. This has been confirmed by the materials obtained in the course of interception of the [applicant's] telephone communications.
>
> Furthermore, [the court] accepts as substantiated the argument made by the investigating authorities that [the applicant] had attempted to influence the investigation in order to evade criminal liability. He is currently head of [the regional migration service], and for a long time has been in charge of [the regional department of the interior]. Because of his position, he has connections in law enforcement and

could interfere with the preliminary investigation by putting pressure on witnesses who report to him and who have not been questioned yet.

...

Regard being had to the above, the court accepts the argument of the investigating authorities that, if at large, [the applicant] who is charged with [serious] criminal offences, would continue putting pressure on witnesses and other parties to the proceedings, attempt to destroy evidence and otherwise interfere with the criminal investigation. The court does not consider it possible to apply a less severe measure of restraint to [the applicant].”

9. On 13 February 2009 the District Court extended the applicant’s detention until 24 April 2009. The court reiterated verbatim its reasoning of 18 December 2008 and added as follows:

“... It was also established that [the applicant] had tried, with the assistance of his subordinates, to influence the director of Secret Service LLC in order to make the latter falsify the documents necessary for the investigation of the crime in connection with supply and assembly of equipment for the server room in the [regional migration service].

...

Regard being had to the new circumstances concerning the activities of [the applicant] and B., the court also accepts the investigator’s argument that, if at large, [the applicant] would attempt to put pressure on witnesses and conspire with the other perpetrators who are at large.

...

... the court also takes into account the information about the [applicant’s] character, his age, family and state of health. The defence has not submitted any information showing that [the applicant] is unfit for detention in a remand prison.”

10. On 3 March 2009 the Kursk Regional Court upheld the decision of 13 February 2009 on appeal.

11. On 22 April 2009 the District Court extended the applicant’s detention until 24 July 2009. The court reiterated verbatim its reasoning of 13 February 2009. On 14 May 2009 the Regional Court upheld the decision of 22 April 2009 on appeal.

12. On 22 July 2009 the District Court extended the applicant’s detention until 24 October 2009. In addition to the reasons indicated in the relevant court orders of 18 December 2008 and 22 April 2009, the court noted that the applicant was charged with nine counts of abuse of power and four counts of misappropriation of funds and embezzlement. It indicated as follows:

“... the persons suspected of involvement in the same crimes, when questioned (I. was questioned on 4 March 2009, Naz. was questioned on 25 June 2009, Nag. was questioned on 26 February 2009 and Nek. was questioned on 17 March 2009), submitted that [the applicant] had put pressure on them in order to make them change their testimonies.”

13. On 11 August 2009 the Regional Court upheld, in substance, the decision of 22 July 2009 on appeal. However, it reduced the period of the applicant's detention by one month, noting that the three months' extension of the applicant's detention had been excessive.

14. On 23 September 2009 the District Court extended the applicant's detention until 24 November 2009. It noted as follows:

> "Regard being had to the offences [the applicant] is charged with, the court considers that the investigators have sufficient reasons to believe that [the applicant] who is charged with having committed premeditated crimes of medium gravity and serious crimes, realizes that he might be facing a lengthy prison sentence and might put pressure on witnesses who have been questioned [by the investigator] in order to make them change their testimonies.
>
> The investigator's argument is supported by the statements made by Sp. which show that on 7 November 2008 [the applicant] and B. willfully and knowingly kept Sp. in an office [at the regional migration service] from 5 p.m. on 7 November 2008 to 0:30 a.m. on 8 November 2008 in order to make him change his testimony, write an explanation and tender his resignation ... . As a result, Sp. was unlawfully dismissed. On 29 December 2008 the Leninskiy District Court of Kursk reinstated him in his job.
>
> Furthermore, it follows from the materials ... submitted ... that [the applicant] attempted actively to hide documents ... , to prevent witnesses from being questioned ... and took steps to reconcile witnesses' testimonies and coordinated the actions of Nag., I., Kr., Naz. and Nek. in order to prevent them from telling the truth ... . When questioned, I., Nag., Kr., Nek. and Naz. confirmed that the applicant had put pressure on them to make them change their statements.
>
> Regard being had to the above, [the court considers] that the investigating authorities have reasons to believe that, if at large, [the applicant] might continue putting pressure on witnesses and other parties to the proceedings.
>
> ... [T]he court also takes into account the [applicant's] character. It notes that for a long time [the applicant] has held high-ranking positions in the [regional department of the interior] and has connections in law enforcement. [The court] finds that the investigating authorities' argument that, if at large, [the applicant] might interfere with the preliminary investigation is justified.
>
> The court also takes into account the information about the [applicant's] age, family, state of health and the gravity of the charges. There is no information showing that [the applicant] was unfit for detention in a remand prison, and the defence did not submit anything to this effect either."

15. On 13 October 2009 the Regional Court upheld the decision of 23 September 2009 on appeal.

16. On 23 November 2009 the District Court extended the applicant's detention until 16 December 2009. The court noted as follows:

> "To date the factual circumstances underlying the [applicant's] remand in custody have not changed or ceased to exist.
>
> It follows from the materials submitted that [the applicant] is charged with a number of premeditated offences that are classified as serious and of medium gravity. Regard being had to the circumstances of the crimes [the applicant] is charged with, the gravity of the charges, the [applicant's] character and the fact that, prior to the arrest

and remand in custody, [the applicant] attempted to influence witness Sp., to put pressure on witness V., to hide documents which were important for the criminal case (those facts were confirmed by witnesses Sp., V. and others), and the materials of the operative and investigative activities, the investigating authorities have rightfully concluded that, if at large, [the applicant] might put pressure on witnesses or otherwise interfere with the investigation. The fact that [the applicant] was dismissed from his post does not mean that [he] is unable to put pressure on witnesses. He has information about his former subordinates.

...

Regard being had to the above, the court concludes that there are no grounds to change the measure of restraint previously imposed on [the applicant] and considers it necessary to extend the [applicant's] detention ... "

17. On 10 December 2009 the Regional Court upheld the decision of 23 November 2009 on appeal.

B. The applicant's detention during trial

18. On 14 December 2009 the District Court held a preliminary hearing of the case against the applicant, B. and I. The case file compiled by the investigators comprised thirty-seven volumes. The court ordered that the applicant remain in custody pending trial, noting as follows:

"... [the applicant] is charged with a number of serious premeditated offences ..., one of which entails a custodial sentence of up to ten years. Accordingly, being aware that he might be sentenced to a significant term of imprisonment, [the applicant] might abscond and interfere with the administration of justice and delay the determination of the criminal charges against him.

Furthermore, the arguments put forward by the prosecutor that, if released, [the applicant] might put pressure on witnesses are not without merit. As it follows from the materials in the case file, prior to being remanded in custody, [the applicant] had tried to put pressure on witness S. and some others in order to make them change their testimonies. He had attempted to conceal the documents which were important for the criminal case in order to coordinate the testimonies given by him and other persons. There are therefore grounds to believe that he might continue to interfere with the administration of justice. Accordingly, there are no grounds to replace the measure of restraint imposed previously with his undertaking not to leave town. As regards the [applicant's] dismissal from his post, this fact alone is not sufficient to grant the motion submitted by the defence."

19. On 14 January 2010 the Kursk Regional Court upheld, in substance, the decision of 14 December 2009 on appeal, specifying that the applicant should be detained until 14 March 2010.

20. At 5.45 p.m. on 15 March 2010 the District Court ordered the applicant's remand in custody until 15 May 2010. The court noted as follows:

"... [the applicant] is charged with a number of serious intentional offences ... Regard being had to the offences with which the applicant is charged; their gravity; his character; the fact that prior to being remanded in custody, [the applicant] had

> attempted to put pressure on witnesses V. and Sp. in order to make them change their testimonies (the latter has not been questioned yet), to conceal the documents which were important for the criminal case and to give instructions to the witnesses as to the contents of their testimonies (which was confirmed by witnesses V., Kr., Nag. and Naz., the court considers that, if at large, [the applicant] might put pressure on witnesses in order to interfere with the course of justice. The fact that the [applicant] has been dismissed from his post does not mean that he would be unable to influence the witnesses, since he has information on his former employees. The court accordingly considers that it is necessary to remand the applicant in custody."

21. The applicant appealed, alleging, *inter alia*, that the previous detention order had expired on 14 March 2010 and he had been detained for several hours on 15 March 2010 unlawfully.

22. On 6 April 2010 the Regional Court upheld the decision of 15 May 2010 on appeal. The court did not discern any unlawfulness as regards the application of the rules of criminal procedure by the District Court when processing the applicant's detention.

23. On 30 April 2010 the District Court extended the applicant's detention until 15 August 2010. The court reiterated its earlier reasoning that the applicant might put pressure on witnesses, if he were released.

24. On 1 June 2010 the Regional Court upheld the decision of 30 April 2010 on appeal.

25. On 23 July 2010 the District Court found the applicant guilty of two counts of abuse of power and two counts of embezzlement, and sentenced him to four and a half years' imprisonment.

26. On 16 November 2010 the Regional Court upheld, in substance, the applicant's conviction on appeal.

27. On 27 April 2011 the Bor Town Court of the Nizhniy Novgorod Region released the applicant on parole.

C. Proceedings concerning the alleged unlawfulness of the applicant's detention on 15 March 2010

28. On 16 March 2010 the regional prosecutor's office issued the administration of the remand prison where the applicant was being detained with a writ of execution, noting that the applicant's pre-trial detention had ended on 14 March 2010 and he had been detained on 15 March 2010 unlawfully. The prosecutor urged the administration to take measures in order to rectify the violation of the applicable laws and to institute disciplinary proceedings against the persons responsible.

29. On 15 April 2010 the warden of the remand prison informed the prosecutor that two persons responsible for the failure to release the applicant once the detention order had expired on 14 April 2010 had been subjected to a reprimand.

30. On 25 January 2012, in a letter addressed to the District Court, the warden confirmed that the applicant should have been released immediately

on the expiry of the court order authorising his detention until 14 March 2010 and that his detention on 15 March 2010 had been unlawful.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 5 § 1 OF THE CONVENTION

31. The applicant complained that his pre-trial detention, as authorised by the relevant court orders, had ended on 14 March 2010 and that he had been detained unlawfully until the District Court had decided to remand him in custody on 15 March 2010. He relied on Article 5 § 1 (c) of the Convention, which 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:
>
> ...
>
> (c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so[.]"

32. The Government conceded that the applicant had been detained unlawfully from 12 midnight on 14 March to 5.45 p.m. on 15 March 2010. They further noted that on 16 March 2010 the prosecutor's office had issued the remand prison where the applicant had been detained at the time with a writ of execution. The persons responsible for the violation of the applicant's rights had been subjected to disciplinary proceedings. Lastly, they noted that once the applicant had been convicted and sentenced to a term of imprisonment, the time he had unlawfully spent in detention had been offset against the sentence to be served. Accordingly, in their opinion, the applicant could no longer claim to be a victim of the violation alleged.

33. The applicant did not comment.

A. Admissibility

34. As regards the Government's argument that the applicant had lost his victim status, the Court reiterates that an applicant is deprived of his or her victim status if the national authorities have acknowledged, either expressly or in substance, and then afforded appropriate and sufficient redress for, a breach of the Convention (see, for example, *Scordino v. Italy* (no. 1) [GC], no. 36813/97, §§ 178-93, ECHR 2006-V).

35. Even assuming that the writ of execution issued by the prosecutor's office constituted, as argued by the Government, an acknowledgement of

the violation of the applicant's rights under Article 5 of the Convention, the Court is mindful of the fact that it did not provide any redress to the applicant in respect of his situation. Nor did the Government assert that the prosecutor's writ could serve as a ground for reconsideration of the applicant's complaint of unlawful detention (compare, *mutatis mutandis*, *Lebedev v. Russia*, no. 4493/04, §§ 42-48, 25 October 2007).

36. Lastly, the Court reiterates that it cannot accept that offsetting the time spent in custody against the time to be served by the applicant was appropriate and sufficient redress in respect of the violation of Article 5 of the Convention when, as in the present case, the time spent in custody is automatically deducted from the final sentence, irrespective of whether or not it was lawful (ibid.).

37. Accordingly, the Court considers that the applicant in the instant case can still claim to be a "victim" of a violation of Article 5 of the Convention. Therefore, the objection by the Government must be dismissed.

38. Regard being had to the above, the Court finds that the complaint is not manifestly ill-founded within the meaning of Article 35 § 3 of the Convention, and that it is not inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

39. The Court reiterates that the expressions "lawful" and "in accordance with a procedure prescribed by law" in Article 5 § 1 essentially refer to national law and state the obligation to conform to the substantive and procedural rules thereof. However, the "lawfulness" of detention under domestic law is not always the decisive element. The Court must in addition be satisfied that detention during the period under consideration was compatible with the purpose of Article 5 § 1 of the Convention, which is to prevent persons from being deprived of their liberty in an arbitrary fashion. In particular, any *ex post facto* authorisation of pre-trial detention is incompatible with the "right to security of person" as it is necessarily tainted with arbitrariness (see, among numerous authorities, *Khudoyorov v. Russia*, no. 6847/02, §§ 124 and 142, ECHR 2005-X (extracts)).

40. Turning to the circumstances of the present case, the Court observes that the applicant's detention, as authorised by the court orders of 14 December 2009 and 14 January 2010, ended on 14 March 2010.

41. The Court notes that the Government have acknowledged that, on the expiry of those court orders, the applicant had been detained unlawfully from 12 midnight on 14 March to 5.45 p.m. on 15 March 2010.

42. Having regard to its established case-law on the issue and the circumstances of the present case, the Court sees no reason to hold otherwise. The applicant was detained in the absence of a court order from 12 midnight on 14 March to 5.45 p.m. on 15 March 2010. Such detention

was not "lawful" or "in accordance with the procedure prescribed by law". There has been, accordingly, a violation of Article 5 § 1 (c) of the Convention.

II. ALLEGED VIOLATION OF ARTICLE 5 § 3 OF THE CONVENTION

43. The applicant complained, under Article 6 of the Convention, that his pre-trial detention had not been based on relevant and sufficient reasons. The Court will examine the complaint under Article 5 § 3 of the Convention, which, is so far as relevant, reads as follows:

> "Everyone arrested or detained in accordance with the provisions of paragraph 1 (c) of this Article shall be ... entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial."

44. The Government contested that argument. They considered that the length of the applicant's pre-trial detention had been reasonable. The domestic judicial authorities based their decisions to detain the applicant during the investigation and trial on relevant and sufficient reasons. The case against him had been complex and the charges were serious. Moreover, in the course of the investigation new criminal offences were discovered and new charges were brought against him. He had tried to interfere with the administration of justice by putting pressure on witnesses and attempting to hide evidence.

45. The applicant did not comment.

A. Admissibility

46. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It further notes that it is not inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

1. The period to be taken into consideration

47. In the present case the period to be taken into consideration lasted from 16 December 2008, when the applicant was arrested, to 23 July 2010 when the trial court found him guilty. It amounted to approximately one year and seven months.

2. General principles

48. The Court reiterates that the question whether a period of time spent in pre-trial detention is reasonable cannot be assessed in the abstract.

Whether it is reasonable for an accused to remain in detention must be assessed on the basis of the facts and specific features of the case. Continued detention can be justified in a given case only if there are actual indications of a genuine requirement of public interest which, notwithstanding the presumption of innocence, outweighs the rule of respect for individual liberty laid down in Article 5 of the Convention (see, among other authorities, *Kudła v. Poland* [GC], no. 30210/96, §§ 110 et seq., ECHR 2000-XI).

49. The existence and persistence of a reasonable suspicion that the person arrested has committed an offence is a *sine qua non* for the lawfulness of the continued detention. However, after a certain lapse of time it no longer suffices. In such cases, the Court must establish whether the other grounds given by the judicial authorities continued to justify the deprivation of liberty. Where such grounds are "relevant" and "sufficient", the Court must also ascertain whether the competent national authorities displayed "special diligence" in the conduct of the proceedings (see *Labita v. Italy* [GC], no. 26772/95, §§ 152 and 153, ECHR 2000-IV). Justification for any period of detention, no matter how short, must be convincingly demonstrated by the authorities (see *Shishkov v. Bulgaria*, no. 38822/97, § 66, ECHR 2003-I (extracts)). When deciding whether a person should be released or detained, the authorities are obliged to consider alternative measures of ensuring his appearance at trial (see *Jabłonski v. Poland*, no. 33492/96, § 83, 21 December 2000).

50. The responsibility falls in the first place on the national judicial authorities to ensure that in a given case the pre-trial detention of an accused person does not exceed a reasonable length. To this end they must, paying due regard to the principle of the presumption of innocence, examine all the arguments for or against the existence of a public interest which justifies a departure from the rule in Article 5, and must set them out in their decisions on applications for release. It is essentially on the basis of the reasons given in those decisions and of the established facts stated by the applicant in his appeals that the Court is called upon to decide whether or not there has been a violation of Article 5 § 3 (see, for example, *McKay v. the United Kingdom* [GC], no. 543/03, § 43, ECHR 2006-X).

3. Application of these principles to the present case

51. The Court accepts that the reasonable suspicion that the applicant committed the offences he had been charged with, being based on cogent evidence, persisted throughout the trial leading to his conviction. However, with the passage of time that ground inevitably became less and less relevant. Accordingly, the Court must establish whether the other grounds given by the judicial authorities continued to justify the deprivation of liberty (see *Labita*, cited above, §§ 152 and 153).

52. The Court notes that, when deciding on the issue of the applicant's pre-trial detention, the domestic authorities advanced two principal reasons for keeping him in custody during the investigation and trial, namely that he had been charged with serious offences and that he might interfere with the administration of justice by putting pressure on the witnesses or destroying or hiding the evidence.

53. As regards the domestic authorities' reliance on the gravity of the charges, the Court accepts that this is one of several factors which should be taken into consideration, in particular since this element, as in Russian law, is one of the pre-conditions for remanding an accused person in custody. Whereas the Court has held that the gravity of the charges cannot by itself serve to justify long periods of detention (see *Panchenko v. Russia*, no. 45100/98, § 102, 8 February 2005), it is satisfied that the domestic courts verified the domestic law correctly when considering whether the charges against the applicant were such that remand in custody could be ordered.

54. As to the alleged interference with the administration of justice, the Court is mindful of the fact that the applicant was initially remanded in custody in December 2008 in order to prevent him from putting pressure on witnesses Sp. and V. In the course of the subsequent investigation, other instances of the applicant's repeated attempts to pervert the course of the investigation by putting pressure on witnesses and other co-defendants and destroying or hiding the evidence were established. In such circumstances the Court accepts the argument that the authorities' fear that as the applicant was a high-ranking police officer at the time, he might have used his connections to evade criminal liability was justified and persisted throughout the course of the criminal proceedings against the applicant. That fact created a strong presumption against the application of alternative measures of restraint in respect of the applicant.

55. The Court therefore concludes that there were relevant and sufficient grounds for the applicant's continued detention. Accordingly, it remains to be ascertained whether the judicial authorities displayed "special diligence" in the conduct of the proceedings.

56. The Court observes that the applicant's case was of a certain complexity. It further notes that, following his placement in custody on 18 December 2008, the investigation was completed within a year and the District Court opened the trial, which took approximately seven months. There is nothing in the materials submitted to the Court to show any significant period of inactivity on the part of the prosecution or the court. In such circumstances, the competent domestic authorities cannot be said to have displayed a lack of special diligence in handling the applicant's case.

57. There has accordingly been no violation of Article 5 § 3 of the Convention.

III. OTHER ALLEGED VIOLATIONS OF THE CONVENTION

58. Lastly, the applicant complained that neither he nor his counsel had been notified of the date and time of the court hearing of 15 March 2010.

59. Having regard to all the material in its possession and in so far as the matters complained of are within its competence, the Court finds that they do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols. It follows that this part of the application must be rejected as manifestly ill-founded, pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

60. 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."

61. The applicant did not submit a claim for just satisfaction. Accordingly, the Court considers that there is no call to award him any sum on that account.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint concerning the lawfulness of the applicant's pre-trial detention admissible and the remainder of the application inadmissible;

2. *Holds* that there has been a violation of Article 5 § 1 (c) of the Convention;

3. *Holds* that there has been no violation of Article 5 § 3 of the Convention;

Done in English, and notified in writing on 30 October 2014, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Søren Nielsen	Isabelle Berro-Lefèvre
Registrar	President