



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

THIRD SECTION

**CASE OF DEVYATOV AND OTHERS v. RUSSIA**

*(Applications nos. 24967/06, 13708/08, 43584/11, 2906/14, 68255/14,  
72879/14 and 77966/14)*

JUDGMENT

STRASBOURG

20 December 2016

*This judgment is final but it may be subject to editorial revision.*



**In the case of Devyatov and Others v. Russia,**

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

Helena Jäderblom, *President*,

Dmitry Dedov,

Branko Lubarda, *judges*,

and Hasan Bakırcı *Deputy Section Registrar*,

Having deliberated in private on 1 December 2016,

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

**PROCEDURE**

1. The case originated in applications against Russia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on the various dates indicated in the appended table.

2. The applications were communicated to the Russian Government (“the Government”).

**THE FACTS**

3. The list of applicants and the relevant details of the applications are set out in the appended table.

4. The applicants complained of the excessive length of their pre-trial detention. Some applicants also raised other complaints under the provisions of the Convention.

**THE LAW****I. JOINDER OF THE APPLICATIONS**

5. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

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

6. The applicants complained principally that their pre-trial detention had been unreasonably long. They relied on Article 5 § 3 of the Convention, which reads as follows:

**Article 5 § 3**

“3. 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.”

7. The Court observes that the general principles regarding the right to trial within a reasonable time or to release pending trial, as guaranteed by Article 5 § 3 of the Convention, have been stated in a number of its previous judgments (see, among many other authorities, *Kudła v. Poland* [GC], no. 30210/96, § 110, ECHR 2000-XI, and *McKay v. the United Kingdom* [GC], no. 543/03, §§ 41-44, ECHR 2006-X, with further references).

8. In the leading case of *Dirdizov v. Russia*, no. 41461/10, 27 November 2012, the Court already found a violation in respect of issues similar to those in the present case.

9. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. Having regard to its case-law on the subject, the Court considers that in the instant case the length of the applicants’ pre-trial detention was excessive.

10. These complaints are therefore admissible and disclose a breach of Article 5 § 3 of the Convention.

**III. OTHER ALLEGED VIOLATIONS UNDER WELL-ESTABLISHED CASE-LAW**

11. In applications nos. 24967/06, 13708/08 and 72879/14 the applicants submitted other complaints which also raised issues under the Convention, in accordance with the relevant well-established case-law of the Court (see appended table). These complaints are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor are they inadmissible on any other ground. Accordingly, they must be declared admissible. Having examined all the material before it, the Court concludes that they also disclose violations of the Convention in the light of its findings in *Idalov v. Russia* [GC], no. 5826/03, §§ 154-58, 22 May 2012 and *Nakhmanovich v. Russia*, no. 55669/00, 2 March 2006.

**IV. REMAINING COMPLAINT**

12. In application no. 68255/14, the applicant also raised a complaint under Article 10 of the Convention, having argued that his prosecution was politically motivated.

13. The Court considers that in the light of all the material in its possession this complaint does not meet the admissibility criteria set out in Articles 34 and 35 of the Convention. It follows that this part of the

application must be rejected in accordance with Article 35 § 4 of the Convention.

## V. APPLICATION OF ARTICLE 41 OF THE CONVENTION

14. 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.”

15. Regard being had to the documents in its possession and to its case-law (see, in particular, *Pastukhov and Yelagin v. Russia*, no. 55299/07, 19 December 2013), the Court considers it reasonable to award the sums indicated in the appended table.

16. 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 join the applications;
2. *Declares* the complaints concerning the excessive length of pre-trial detention and other complaints under well-established case-law of the Court, as set out in the appended table, admissible and the remainder of the application no. 68255/14 inadmissible;
3. *Holds* that these complaints disclose a breach of Article 5 § 3 of the Convention concerning the excessive length of pre-trial detention;
4. *Holds* that there has been a violation as regards the other complaints raised under well-established case-law of the Court (see appended table);
5. *Holds*
  - (a) that the respondent State is to pay the applicants, within three months, the amounts indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
  - (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.

Done in English, and notified in writing on 20 December 2016, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Hasan Bakırcı  
Deputy Registrar

Helena Jäderblom  
President

## APPENDIX

List of applications raising complaints under Article 5 § 3 of the Convention  
(excessive length of pre-trial detention)

No.	Application no. Date of introduction	Applicant name Date of birth	Representative name and location	Period of detention	Length of detention	Other complaints under well- established case-law	Amount awarded for pecuniary and non- pecuniary damage and costs and expenses per applicant (in euros) <sup>1</sup>
1.	24967/06 09/04/2006	<b>Sergey Gennadyevich DEVYATOV</b> 23/07/1952		18/03/2002 to 19/02/2004  27/04/2004 to 11/05/2007	1 year(s) and 11 month(s) and 2 day(s)  3 year(s) and 15 day(s)	Art. 5 (4) - excessive length of judicial review of detention - Delayed review of appeals against the detentions orders of 07/08/2006 and 11/04/2006,  Art. 6 (1) - excessive length of criminal proceedings	6,500
2.	13708/08 07/02/2008	<b>Aleksey Vladimirovich ZAKURDAYEV</b> 10/12/1974	<b>Semin Aleksandr Vladimirovich</b> Izhevsk	02/05/2007 to 25/09/2008	1 year(s) and 4 month(s) and 24 day(s)	Art. 5 (4) - excessive length of judicial review of detention – Delayed review of the appeal against the detention order of 11/09/2008 ( only considered on 08/12/2008)	2,000
3.	43584/11 15/06/2011	<b>Sergey Valeryevich KORNEV</b> 26/01/1972	<b>Yesakov Vsevolod Vyacheslavovich</b> St Petersburg	13/05/2010 to 14/09/2011	1 year(s) and 4 month(s) and 2 day(s)		1,500
4.	2906/14 16/12/2013	<b>Viktor Valeryevich SELIVANOV</b> 22/08/1975	<b>Kiryanov Aleksandr Vladimirovich</b> Taganrog	22/09/2013 to 31/12/2013	3 month(s) and 10 day(s)		1,000
5.	68255/14 15/10/2014	<b>Daniil Ilyich KONSTANTINOV</b> 05/02/1984	<b>Dobrevna Natasha Ognyanova</b> Sofia	22/03/2012 to 16/10/2014	2 year(s) and 6 month(s) and 25 day(s)		2,700

No.	Application no. Date of introduction	Applicant name Date of birth	Representative name and location	Period of detention	Length of detention	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) <sup>1</sup>
6.	72879/14 06/11/2014	<b>Oleg Valeryevich DROZDOV</b> 26/12/1973	<b>Lunev Aleksey Vladimirovich</b> Moscow	22/10/2013 pending	More than 2 year(s) and 11 month(s) and 26 day(s)	Art. 5 (4) - excessive length of judicial review of detention - Delayed review of the appeal against the detention order of 01/07/2014 (considered on 30/07/2014)	3,900
7.	77966/14 03/12/2014	<b>Olesya Igorevna KOVACH</b> 22/07/1987	<b>Bezverkhii Yuriy Leonidovich</b> Tula	15/11/2013 pending	More than 2 year(s) and 11 month(s) and 3 day(s)		3,000

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<sup>1</sup> Plus any tax that may be chargeable to the applicants.