THIRD SECTION

CASE OF KIM AND OTHERS v. RUSSIA

(Applications nos. 10682/18 and 23 others - see appended list)

JUDGMENT

STRASBOURG

1 April 2021

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

In the case of Kim and Others v. Russia,

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

 Darian Pavli, *President,* Dmitry Dedov, Peeter Roosma, *judges,*
and Liv Tigerstedt, *Deputy Section Registrar,*

Having deliberated in private on 11 March 2021,

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

1. 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 Russian Government (“the Government”) were given notice of the applications.

1. 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 about the excessive length of their pre-trial detention. Some applicants also raised other complaints under the provisions of the Convention.

1. THE LAW
	1. 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.

* 1. THE GOVERNMENT’S REQUEST TO STRIKE OUT APPLICATION No. 10682/18 UNDER ARTICLE 37 § 1 OF THE CONVENTION

6.  The Government submitted a unilateral declaration in case no. 10682/18 whereby they acknowledged that on several occasions during the period from 4 June to 29 August 2017, the applicant had been transported, to and from the courthouse, in conditions incompatible with the requirements of Article 3 of the Convention, and that he had not had an effective domestic remedy in respect of his complaint about the inadequate conditions of transport in violation of Article 13 of the Convention. They offered to pay the applicant 1,000 euros (EUR) and invited the Court to strike the application out of the list of cases in accordance with Article 37 § 1 (c) of the Convention. The said amount would be converted into the currency of the respondent State at the rate applicable on the date of payment and would be payable within three months from the date of notification of the Court’s decision. In the event of failure to pay this amount within the above‑mentioned three-month period, the Government undertook to pay simple interest on it, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

7.  The applicant rejected the Government’s proposal.

8.  The Court observes that Article 37 § 1 (c) enables it to strike a case out of its list if:

“... for any other reason established by the Court, it is no longer justified to continue the examination of the application”.

Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicants wish the examination of the cases to be continued (see, in particular, the *Tahsin Acar v. Turkey* judgment (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI).

9.  The Court has established clear and extensive case-law concerning complaints relating to inadequate conditions of detention during transport (see, for example, *Idalov v. Russia* [GC], no. 5826/03, 22 May 2012).

10.  Noting the admissions contained in the Government’s declaration as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the relevant part of the application (Article 37 § 1 (c)).

11.  In the light of the above considerations, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the application in this part (Article 37 § 1 *in fine*).

12.  Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application may be restored to the list in accordance with Article 37 § 2 of the Convention (see *Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

13.  In view of the above, it is appropriate to strike out application no. 10682/18 in the part concerning the inadequate conditions of detention during transport and the absence of any effective remedy regarding that complaint.

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

14.  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.”

* + 1. Application no. 13641/18 in the part concerning the period of detention from 29 December 2016 to 12 April 2017

15.  As regards application no. 13641/18 in the part concerning the period of the applicant’s detention from 29 December 2016 to 12 April 2017 and relying on the documents submitted by the parties, the Court notes that on 29 December 2016 the applicant was found guilty of organisation of illegal gambling and sentenced to a term of imprisonment. He subsequently served his prison sentence until 12 April 2017 when his conviction was quashed by the appellate court and the case was remitted for re-trial. Accordingly, the period of the applicant’s detention from 29 December 2016 to 12 April 2017 falls within the ambit of Article 5 § 1 (a) of the Convention.

16.  In this connection the Court reiterates that Article 5 § 3 of the Convention does not apply to situations amounting to “lawful detention after conviction by a competent court” within the meaning of Article 5 § 1 (a) of the Convention (see, for example, *Kushnir v. Ukraine*, no. 42184/09, § 157, 11 December 2014). It follows that this part of the complaint is incompatible *ratione materiae* with the provisions of the Convention, within the meaning of Article 35 § 3 (a) and must be rejected in accordance with Article 35 § 4.

* + 1. The remaining applications including application no. 13641/18 in the part concerning the period of detention from 12 April 2017 to 17 April 2018

17.  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).

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

19.  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.

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

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

21.  In some applications the applicants submitted other complaints which also raised issues under the Convention, given the relevant well‑established case-law of the Court (see the 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 well-established case-law (see *Svinarenko and Slyadnev* *v. Russia* [GC], nos. 32541/08 and 43441/08, ECHR 2014 (extracts), concerning the use of metal cages during court hearings; and *Idalov v. Russia* [GC], no. 5826/03, 22 May 2012, concerning lack of a speedy review of detention matters and conditions of detention during transport).

* 1. REMAINING COMPLAINTS

22.  In application no. 19967/19, the applicant also complained under Articles 3 and 13 of the Convention about the conditions of his pre-trial detention and the lack of an effective remedy in that respect.

23.  The Court has examined these complaints and finds that the applicant should avail himself of the new remedy introduced in the Russian Federation, which the Court declared effective in its recent decision of *Shmelev and Others v. Russia* ((dec.), nos. 41743/17 and 16 others, 17 March 2020).

24.  It follows that this part of the application must be rejected in accordance with Article 35 § 4 of the Convention.

* 1. APPLICATION OF ARTICLE 41 OF THE CONVENTION

25.  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.”

26.  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.

27.  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.

1. FOR THESE REASONS, THE COURT, UNANIMOUSLY,
2. *Decides* to join the applications;
3. *Decides* to strike application no. 10682/18 in the part concerning the conditions of detention during transport and the absence of any effective remedy in this regard out of its list of cases in accordance with Article 37 § 1 (c) of the Convention;
4. *Declares* the complaints concerning the excessive length of pre-trial detention and the other complaints under the well-established case-law of the Court, as set out in the appended table, admissible, and the remainder of application no. 19967/19 inadmissible;
5. *Holds* that these complaints disclose a breach of Article 5 § 3 of the Convention concerning the excessive length of pre-trial detention;
6. *Holds* that there has been a violation of the Convention as regards the other complaints raised under the well-established case-law of the Court (see the appended table);
7. *Holds*
	1. 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;
	2. 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 1 April 2021, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

 Liv Tigerstedt Darian Pavli

 Deputy Registrar 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’s nameDate of birth  | Representative’s name and location | Period of detention | Court which issued detention order/examined appeal | Length of detention | Specific defects | Other complaints under well‑established case-law | Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant(in euros)[[1]](#endnote-1) |
|  | 10682/1822/02/2018 | **Stanislav Ervestovich****KIM**31/03/1990 | Yegazaryants Vladimir VladimirovichAstrakhan | 02/06/2017 to30/08/2017 | Leninskiy District Court of Astrakhan; Astrakhan Regional Court | 2 month(s) and 29 day(s) | Use of assumptions, in the absence of any evidentiary basis, of the risks of absconding or obstructing justice; fragility of the reasons employed by the courts; failure to assess the applicant’s personal situation reducing the risks of re-offending, colluding or absconding | Art. 3 - inadequate conditions of detention during transport - between IZ-1 of Astrakhan and the courthouse from 04/06/2017 to 29/08/2017: inadequate temperature, overcrowding, lack of fresh air, Art. 13 - lack of any effective remedy in domestic law in respect of the inadequate conditions of transport | 1,000 (under the UD submitted by the Government)300 (in respect of the violation of Article 5 § 3 of the Convention) |
|  | 11150/1821/02/2018 | **Dmitriy Maksimovich ZOTKIN**08/09/1981 | Shushpanov Sergey AleksandrovichMoscow | 27/04/2016 to05/03/2018 | Moscow City Court | 1 year(s) and 10 month(s) and 7 day(s) | Fragility of the reasons employed by the courts; failure to conduct the proceedings with due diligence during the period of detention |  | 2,100 |
|  | 13419/1809/03/2018 | **Niyaz Rinatovich VALITOV**09/01/1985 | Khutiyev Amur Magomed GireyevichKhanty-Mansiysk | 14/07/2017 to10/07/2018 | Khanty-Mansiysk District Court of the Khanty-Mansi Region;Khanty-Mansi Regional Court  | 11 month(s) and 27 day(s) | Fragility of the reasons employed by the courts; failure to assess the applicant’s personal situation reducing the risks of re-offending, colluding or absconding; use of assumptions, in the absence of any evidentiary basis, of the risks of absconding or obstructing justice |  | 1,000 |
|  | 13641/1807/03/2018 | **Oleg Vitalyevich PUDIKOV**14/05/1975 | Beglaryan Vagan SosovichTaganrog | 12/04/2017 to17/04/2018 | Taganrog Town Court,Rostov Regional Court | 1 year(s) and 6 day(s) | Collective detention orders;failure to assess the applicant’s personal situation reducing the risks of re-offending, colluding or absconding;use of assumptions, in the absence of any evidentiary basis, of the risks of absconding or obstructing justice |  | 1,100 |
|  | 37978/1801/08/2018 | **Nataliya Dmitriyevna VERKHOVA**06/12/1969 | Nazarov Ivan NikolayevichRostov-on-Don | 01/11/2017 to11/09/2019 | Nevskiy District Court of St Petersburg,St PetersburgCity Court,Tverskoy District Court of Moscow, Moscow City Court | 1 year(s) and 10 month(s) and 11 day(s) | Fragility of the reasons employed by the courts; failure to assess the applicant’s personal situation reducing the risks of re-offending, colluding or absconding; use of assumptions, in the absence of any evidentiary basis, of the risks of absconding or obstructing justice; failure to examine the possibility of applying other measures of restraint | Art. 5 (4) - excessive length of judicial review of detention - detention orders of the Nevskiy District Court of St Petersburg of 29/12/2017 and 02/02/2018 - upheld on appeal by the St Petersburg City Court on 14/02/2018 and 15/03/2018; detention orders of the Tverskoy District Court of Moscow of 04/05/2018 and 03/08/2018 - upheld on appeal by the Moscow City Court on 04/07/2018 and 29/08/2018; detention orders of the Moscow City Court of 30/10/2018 and 30/11/2018 - upheld on appeal by the Appeal Chamber of the Moscow City Court on 29/11/2018 and 31/01/2019 | 2,600 |
|  | 8539/1911/01/2019 | **Sergey Aysarovich KONOVALOV**16/04/1984 |  | 08/06/2017 to15/10/2018 | Supreme Court of the Republic of Tatarstan; Nizhnekamsk Town Court of the Republic of Tatarstan | 1 year(s) and 4 month(s) and 8 day(s) | Fragility of the reasons employed by the courts; use of assumptions, in the absence of any evidentiary basis, of the risks of absconding or obstructing justice; failure to assess the applicant’s personal situation reducing the risks of re-offending, colluding or absconding; failure to examine the possibility of applying other measures of restraint; failure to conduct the proceedings with due diligence during the period of detention | Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention during transport;Art. 3 - inadequate conditions of detention during transport on numerous occasions to and from detention facility (June 2017-December 2018); overcrowding, no handrails in a van, lack of fresh air, inadequate temperature, no or restricted access to toilet, sharing cells with inmates infected with contagious disease, lack of or insufficient electric light | 2,000 |
|  | 9062/1906/02/2019 | **Andrey Igorevich KULIKOV**07/04/1974 | Fedoseyev Viktor ViktorovichMoscow | 30/03/2016to17/07/2020 | Tverskoy District Court of Moscow, Presnenskiy District Court of Moscow, Moscow City Court | 4 year(s) and 3 month(s) and 18 day(s) | Use of assumptions, in the absence of any evidentiary basis, of the risks of absconding or obstructing justice, particularly as the case progressed;failure to conduct the proceedings with due diligence during the period of detention | Art. 5 (4) - excessive length of judicial review of detention - appeal against detention order of 13/07/2018 was considered on 07/08/2018 | 4,900 |
|  | 9579/1913/02/2019 | **Vladimir Borisovich LUNDGREN**06/04/1956 | Mirova Raisiya MindubayevnaMoscow | 18/09/2016 to12/12/2018 | Babushkinskiy District Court of Moscow; Ostankinskiy District Court of Moscow; Moscow City Court | 2 year(s) and 2 month(s) and 25 day(s) | Use of assumptions, in the absence of any evidentiary basis, of the risks of absconding or obstructing justice; failure to assess the applicant’s personal situation reducing the risks of re-offending, colluding or absconding;failure to examine the possibility of applying other measures of restraint; failure to conduct the proceedings with due diligence during the period of detention | Art. 5 (4) - excessive length of judicial review of detention - Complaint about excessive length of appellate review of the applicant’s detention extension (first-instance court on 03/07/2018, appeal on 27/08/2018) | 2,800 |
|  | 10185/1901/02/2019 | **Lev Mikhaylovich LUNIN**14/06/1981 |  | 27/01/2016 to01/06/2019 | Naberezhniye Chelny Town Court; Supreme Court of the Republic of Tatarstan | 3 year(s) and 4 month(s) and 6 day(s) | Fragility of the reasons employed by the courts; use of assumptions, in the absence of any evidentiary basis, of the risks of absconding or obstructing justice; failure to assess the applicant’s personal situation reducing the risks of re-offending, colluding or absconding; failure to examine the possibility of applying other measures of restraint; failure to conduct the proceedings with due diligence during the period of detention |  | 3,500 |
|  | 11558/1925/02/2019 | **Pavel Anatolyevich CHERNYAVSKIY**05/05/1983 | Novikova Alina IgorevnaNovosibirsk | 10/07/2017pending | Zheleznodorozhnyy District Court of Novosibirsk, Novosibirsk Regional Court | More than 3 year(s) and 7 month(s) and 1 day(s) | Use of assumptions, in the absence of any evidentiary basis, of the risks of absconding or obstructing justice; failure to assess the applicant’s personal situation reducing the risks of re-offending, colluding or absconding; failure to conduct the proceedings with due diligence  | Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention during transport and in respect of the placement into a metal cage during court hearings; Art. 3 - use of metal cages and/or other security arrangements in courtrooms during the hearings held at the Zheleznodorozhnyy District Court of Novosibirsk on several occasions; since 26/07/2017; the proceedings are still pending Art. 3 - inadequate conditions of detention during transport on numerous occasions to participate in investigative actions or court hearings; van; overcrowding, lack of or insufficient natural light, lack of fresh air; since 26/07/2017; the proceedings are still pending | 9,750 |
|  | 13986/1928/02/2019 | **Yevgeniy Viktorovich GOREV**26/02/1985 |  | 09/08/2018 to13/12/2018 | Vologda Regional Court;Vologda Town Court;Cherepovets Town Court | 4 month(s) and 5 day(s) | Use of assumptions, in the absence of any evidentiary basis, of the risks of absconding or obstructing justice; the courts did not take into account the applicant’s personal situation, such as stable family environment, his having been a caretaker for two minor children, permanent employment and residence, no previous criminal record, reducing the risks of his absconding or reoffending; the courts made no considerations of the alternative measures of restraint | Art. 3 - inadequate conditions of detention during transport from 09/11/2018 to 03/12/2018; inadequate conditions of detention in transit cells in courts on 10, 13, and 29 August 2018 and on 1 and3 December 2018;Art. 3 - use of metal cages and/or other security arrangements in courtrooms from 10/08/2018 to 13/12/2018 before the Cherepovets Town Court and Vologda Town Court and before the Vologda Regional Court; Art. 13 - lack of any effective remedy in domestic law in respect of inadequate conditions of detention during transport and in respect of placement into metal cages | 9,750 |
|  | 14060/1920/02/2019 | **Pavel Aleksandrovich CHEPURKIN**23/06/1979 | Motchenko Lina FedorovnaNevinnomyssk | 15/05/2014pending | Nevinomyssk Town Court;Stavropol Regional Court | More than6 year(s) and 19 day(s) | Failure to conduct the proceedings with due diligence during the period of detention; collective detention orders;failure to assess the applicant’s personal situation reducing the risks of re-offending, colluding or absconding; as the case progressed use of assumptions, in the absence of any evidentiary basis, of the risks of absconding or obstructing justice; failure to examine the possibility of applying other measures of restraint |  | 5,000 |
|  | 14487/1905/03/2019 | **Yevgeniy Vladimirovich NAGORNYY**05/05/1981 | Zyuzina Yevgeniya MikhaylovnaVoronezh | 05/09/2016pending | Leninskiy District Court of Voronezh;Voronezh Regional Court | More than 4 year(s) and 4 month(s) and 15 day(s) | Fragility of the reasons employed by the courts; use of assumptions, in the absence of any evidentiary basis, of the risks of absconding or obstructing justice; failure to examine the possibility of applying other measures of restraint; failure to conduct the proceedings with due diligence during the period of detention |  | 4,600 |
|  | 14824/1922/02/2019 | **Marat Melsovich OGANESYAN**15/08/1970 | Popov Dmitriy EduardovichSt Petersburg | 16/11/2016pending | Smolninskiy District Court of St Petersburg,St Petersburg City Court | More than 4 year(s) and 2 month(s) and 26 day(s) | Fragility of the reasons employed by the courts;failure to conduct the proceedings with due diligence during the period of detention; failure to examine the possibility of applying other measures of restraint reducing the risks of absconding or obstructing, particularly as the case progressed | Art. 5 (4) - excessive length of judicial review of detention - the extension order of 04/07/2018 was examined on 13/09/2018 | 4,800 |
|  | 15225/1906/03/2019 | **Andrey Anatolyevich NAZAROV**13/10/1971 | Nazarov Ivan NikolayevichRostov-on-Don | 04/12/2018pending | Leninskiy District Court ofRostov-on-Don,Rostov Regional Court | More than 2 year(s) and 2 month(s) and 7 day(s) | Use of assumptions, in the absence of any evidentiary basis, of the risks of absconding or obstructing justice; failure to assess the applicant’s personal situation reducing the risks of re-offending, colluding or absconding; failure to examine the possibility of applying other measures of restraint; failure to conduct the proceedings with due diligence during the period of detention |  | 2,300 |
|  | 15333/1907/03/2019 | **Farid Shavkatovich KRYYEV**07/08/1965 |  | 14/03/2017pending | Sovetskiy District Court of Kazan; Supreme Court of the Tatarstan Republic | More than 3 year(s) and 10 month(s) and 28 day(s) | Failure to conduct the proceedings with due diligence during the period of detention; failure to assess the applicant’s personal situation reducing the risks of re-offending, colluding or absconding, particularly as the case progressed and the evidence had been collected; failure to examine the possibility of applying other measures of restraint, as the case progressed |  | 4,100 |
|  | 17280/1906/03/2019 | **Denis Igorevich PASYSHIN**05/01/1984 | Pasyshina Yuliya YuryevnaKislovodsk | 17/04/2017 to29/07/2019 | Leninskiy District Court of Stavropol, YessentukiTown Court,Stavropol Regional Court | 2 year(s) and 3 month(s) and 13 day(s) | Fragility of the reasons employed by the courts; use of assumptions, in the absence of any evidentiary basis, of the risks of absconding or obstructing justice; failure to examine the possibility of applying other measures of restraint |  | 2,400 |
|  | 17813/1918/02/2019 | **Vladimir Aleksandrovich KUZNETSOV**14/10/1962 |  | 06/09/2018 to23/04/2019 | Tsentralnyy District Court of Volgograd; Volgograd Regional Court | 7 month(s) and 18 day(s) | Fragility of the reasons employed; use of assumptions, in the absence of any evidentiary basis, of the risks of absconding or obstructing justice |  | 1,000 |
|  | 19967/1903/04/2019 | **Boris Andreyevich TIMOFEYEV**04/08/1989 | Belyayev Mikhail AleksandrovichMoscow | 19/09/2018 to 14/10/2019 | Meshchanskiy District Court of Moscow,Moscow City Court | 1 year(s) and 26 day(s) | Use of assumptions, in the absence of any evidentiary basis, of the risks of absconding or obstructing justice; failure to assess the applicant’s personal situation reducing the risks of re-offending, colluding or absconding;failure to examine the possibility of applying other measures of restraint |  | 1,100 |
|  | 20643/1930/03/2019 | **Sergey Mikhaylovich NESTERENKO**04/07/1962 | Yefimenko Anton EduardovichMoscow | 15/11/2018to06/12/2019 | Syktyvkar City Court,Supreme Court of the Komi Republic | 1 year(s) and 22 day(s) | Fragility of the reasons employed by the courts; use of assumptions, in the absence of any evidentiary basis, of the risks of absconding or obstructing justice; failure to assess the applicant’s personal situation reducing the risks of re-offending, colluding or absconding; failure to examine the possibility of applying other measures of restraint |  | 1,100 |
|  | 21842/1905/04/2019 | **Sergey Yuryevich SOBOLEV**08/12/1980 |  | 27/02/2018pending | Sovetskiy District Court of Krasnoyarsk; Tsentralnyy District Court of Krasnoyarsk; Krasnoyarsk Regional Court | More than 2 year(s) and 11 month(s) and 15 day(s) | Failure to assess the applicant’s personal situation reducing the risks of re-offending, colluding or absconding; failure to conduct the proceedings with due diligence during the period of detention |  | 3,000 |
|  | 22051/1912/04/2019 | **Kanshobi Muzarinovich AZHAKHOV**25/02/1952 | Khrunova Irina VladimirovnaKazan | 08/10/2018 to29/08/2019 | Nalchik Town Court of the Republic of Kabardino-Balkariya; Supreme Court of the Republic of Kabardino-Balkariya  | 10 month(s) and 22 day(s) | Use of assumptions, in the absence of any evidentiary basis, of the risks of absconding or obstructing justice; fragility of the reasons employed by the courts; failure to examine the possibility of applying other measures of restraint |  | 1,000 |
|  | 22965/1908/04/2019 | **Mikhail Vladimirovich BARINOV**13/01/1979 | Khityanik Tatyana NikolayevnaKemerovo | 11/02/2016 to09/09/2019 | Tsentralnyy District Court of Kemerovo, Kemerovo Regional Court | 3 year(s) and 6 month(s) and 30 day(s) | failure to conduct the proceedings with due diligence during the period of detention;use of assumptions, in the absence of any evidentiary basis, of the risks of absconding or obstructing justice;failure to examine the possibility of applying other measures of restraint |  | 3,700 |
|  | 23715/1916/04/2019 | **Sergey Pavlovich YURIN**04/12/1978 | Isayev Igor AleksandrovichMoscow | 17/10/2018pending | Basmannyy District Court of Moscow; Moscow City Court | More than 2 year(s) and 3 month(s) and 25 day(s) | Collective detention orders; use of assumptions, in the absence of any evidentiary basis, of the risks of absconding or obstructing justice;failure to assess the applicant’s personal situation reducing the risks of re-offending, colluding or absconding;failure to examine the possibility of applying other measures of restraint | Art. 3 - use of metal cages and/or other security arrangements in courtrooms - detention in a metal cage during court hearing before the Basmannyy District Court of Moscow on 19/10/2018 | 9,750 |

1. Plus any tax that may be chargeable to the applicants. [↑](#endnote-ref-1)