



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

THIRD SECTION

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

*(Applications nos. 2750/07, 10831/09, 17113/10 and 65613/12)*

JUDGMENT

STRASBOURG

22 September 2016

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



**In the case of Grabovoy 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 September 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”).

3. Having studied the terms of the Government’s unilateral declarations made in some cases, the Court considers that the proposed declarations do not provide a sufficient basis for concluding that respect for human rights does not require it to continue its examination of these applications. The declarations are therefore rejected.

**THE FACTS**

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

5. The applicants complained of the excessive length of their pre-trial detention.

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

6. 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

7. The applicants complained that their pre-trial detention had been unreasonably long. They relied on Article 5 § 3 of the Convention, which read 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.”

8. 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).

9. 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.

10. 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, including the Court’s approach to the calculation of the six-month time-limit (see *Idalov v. Russia* [GC], no. 5826/03, §§ 130 and 135, 22 May 2012 and *Isayeva v. Azerbaijan*, no. 36229/11, § 80, 25 June 2015, with further references), it considers that in the present cases the length of the applicants’ pre-trial detention was excessive.

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

## III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

12. 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.”

13. 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.

14. 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 applications admissible;
3. *Holds* that these applications disclose a breach of Article 5 § 3 of the Convention concerning the excessive length of pre-trial detention;
4. *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 22 September 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 / Date of registration	Representative name and location	Period of detention	Length of detention	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) <sup>i</sup>
1.	2750/07 24/11/2006	<b>Grigoriy Petrovich GRABOVOY</b> 14/11/1963	<b>Trepashkin Mikhail Ivanovich</b> Moscow	07/04/2006 to 07/07/2008	2 years and 3 months and 1 day	2,400
2.	10831/09 16/01/2009	<b>Aleksandr Aleksandrovich TURUKALOV</b> 18/12/1981		04/05/2008 to 21/06/2010	2 years and 1 month and 18 days	2,200
3.	17113/10 03/03/2010	<b>Lyubov Sergeyevna SERGUSHKINA</b> 21/08/1985	<b>Markin Vladimir Vladimirovich</b> Moscow	24/08/2009 to 25/01/2010	5 months and 2 days	1,000
4.	65613/12 26/09/2012	<b>Vadim Valeryevich PAVLOV</b> 02/03/1982		08/10/2010 to 19/12/2011  26/06/2012 to 23/11/2012	1 year and 7 months and 2 days (total)	1,800

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