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**For immediate release**

### **European Court finds violations of right to liberty and security against Russia**

Today, in the case of *Isayev v Russia* (No. 20756/04), the European Court of Human Rights found that Russia had violated the applicant's right to liberty and security (Article 5 of the European Convention on Human Rights). Sergey Isayev was arrested in March 2003 in Astrakhan, Russia, on suspicion of murder. He alleged ill-treatment by police in detention, that these allegations had not been effectively investigated, that his detention on remand was unlawful and that his applications for release had not been examined with due speed. He was represented by the European Human Rights Advocacy Centre (EHRAC) based at London Metropolitan University and the Russian NGO, Memorial.

Mr Isayev complained that he had been severely beaten during his detention in the Chernoyarskiy District Police Department between 6 and 14 March 2003, when he was admitted to hospital with a brain injury of medium severity and bruising. The Court found that while the seriousness of the injuries would amount to ill-treatment under Article 3 of the European Convention the evidence before it did not suggest that the authorities "*had recourse to physical force which had not been rendered strictly necessary by the applicant's own behaviour*" and that his injuries were self-inflicted. The Court found the authorities' investigation into the applicant's allegations to have been prompt, diligent and not merely based on police officers' versions of events.

The Court examined the lawfulness of the applicant's detention from 6 November 2003 to 9 January 2004. The period from 6 November 2003 to 6 January 2004 was lawful as it had been authorised by a court on legitimate grounds. However, there was no judicial decision authorising Mr Isayev's detention from 6-9 January 2004, which violated Article 5(1). Notably, the domestic courts had been acting under a practice whereby an accused could be detained without a court order for up to six months from the date of receipt of the case file by a court, which had subsequently been found to be unconstitutional.

A violation of Article 5(4) was also found as the applicant's applications for release had not been examined 'speedily'. The domestic courts took 63 and 29 days to examine two requests for release, while the applicant had done nothing to delay these proceedings. The Court awarded the applicant 1,000 EUR in damages.

[End]