



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

SECOND SECTION

CASE OF KOSTOV v. HUNGARY

(Application no. 7869/25)

JUDGMENT

Art 5 § 3 • Length and reasonableness of pre-trial detention • Pre-trial detention of four years, eight months and ten days in complex criminal case justified by relevant and sufficient reasons • Requirement of “special diligence” observed

Prepared by the Registry. Does not bind the Court.

STRASBOURG

6 October 2026

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Kostov v. Hungary,

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

Arnfinn Bårdsen, *President*,

Jovan Ilievski,

Péter Paczolay,

Oddný Mjöll Arnardóttir,

Stéphane Pisani,

Juha Lavapuro,

Hugh Mercer, *judges*,

and Andrea Tamietti, *Section Registrar*,

Having regard to:

the application (no. 7869/25) against Hungary lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Slovak national, Mr Norbert Kostov (“the applicant”), on 28 February 2025;

the decision to give notice to the Hungarian Government (“the Government”) of the complaint concerning Article 5 § 3 of the Convention and to declare the remainder of the application inadmissible;

the decision of the Government of the Slovak Republic not to intervene in the case;

the parties’ observations;

Having deliberated in private on 8 September 2026,

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

INTRODUCTION

1. The case concerns the applicant’s complaint under Article 5 § 3 of the Convention that his pre-trial detention was unreasonably long and lacked adequate justification.

THE FACTS

2. The applicant was born in 1978. At the time of introduction of the application to the Court, he was detained in Hungary, at Budapest Correctional Facility (*Fővárosi Büntetés-végrehajtási Intézet*). He was represented by Mr L. Jován, a lawyer practising in Budapest.

3. The Government were represented by their Agent, Mr Z. Tallódi of the Ministry of Justice.

4. The facts of the case may be summarised as follows.

5. A criminal investigation into a double homicide committed by Slovak nationals was begun after the discovery in Hungary on 9 July 2018 of human remains which had apparently been hidden there in February 2016.

6. In February 2019 the offices of the Hungarian Attorney General and the Prosecutor General of the Slovak Republic set up a joint investigation team to coordinate a cross-border investigation into the deaths.

7. A European Arrest Warrant was issued by the Buda Central District Court on 20 July 2020. The applicant was arrested on 24 July 2020 by the Slovak authorities and handed over to their Hungarian counterparts.

8. On the same day the applicant was heard by the Hungarian police as a suspect in a homicide committed against multiple persons with premeditation and for gain (section 160 (1) and (2)(a)(b) and (f) of Act no. C of 2012 on the Criminal Code; hereinafter, “the Criminal Code”).

9. On the application of the Budapest Chief Prosecution Office (*Fővárosi Főügyészség*), on 26 July 2020 the investigating judge of the Buda Central District Court (*Budai Központi Kerületi Bíróság*) ordered the applicant to be remanded in detention under section 271 (1) and (2) and section 276 (2)(a)(ab); (b)(bb) and (c)(cb) of Act no. XC of 2017 on the Code of Criminal Procedure (hereinafter, “the Code of Criminal Procedure” – see paragraph 30 below). The finding of a reasonable suspicion that the applicant had committed the offence was supported by the evidence of the second defendant, witness statements, forensic medical expert opinions, records of the seizure of a vehicle and information received from the Slovak authorities.

10. The Buda Central District Court held that the applicant posed a risk of flight in view of the sentence of life imprisonment which could have been imposed on him. Noting that the facts established by the police included concealment of the offence following its commission in 2016, the District Court found it likely that the applicant would tamper with evidence, particularly that of persons involved in or having knowledge of the actions giving rise to the charges. It also took into account the applicant’s prior convictions by the Hungarian courts for misuse of explosives and firearms and by the Slovak courts for extortion and concluded that the applicant presented a risk of reoffending. In accordance with section 277 (4) a), b) and c) of the Code of Criminal Procedure (see paragraph 30 below), the District Court held that criminal supervision would not have been appropriate to mitigate the cumulative risks associated with the applicant.

11. On 4 August 2020 the Budapest High Court dismissed the appeals of the prosecution, the applicant and his defence lawyer and upheld the decision and reasons of the District Court.

12. On 25 August 2020 the District Court extended the applicant’s detention on the same grounds as those discussed in paragraphs 9 and 10 above. It also took into account that the proceeds of the crime, allegedly worth hundreds of thousands of euros (EUR), were still untraced, which it found to be a good reason for continuing to detain the applicant, because there was a risk he would abscond. It held that risks of the obstruction of proceedings and of his reoffending continued to be relevant and that criminal supervision

could not be imposed on him at this early stage of the investigation. The High Court upheld that decision on 24 September 2020.

13. On 25 November 2020 the District Court ordered the continued detention of the applicant on the same grounds. It also examined the timeliness of the investigation and concluded that the investigating authorities had taken several steps in the investigation as a matter of priority including, *inter alia*, the interrogation of the applicant, further hearings of witnesses, the appointment of a psychiatric expert, the use of a polygraph and various requests for information. It found that the risk of reoffending was supported by the most recent evidence of the applicant and the second defendant which had revealed that there were three criminal cases currently conducted against them in Slovakia. The High Court upheld that decision on 4 December 2020.

14. On 22 January 2021 the District Court again ordered the continued detention of the applicant, for the same reasons as before. The applicant's defence lawyer filed an appeal containing declarations of intent in regard to providing accommodation for the applicant, signed by his relatives, and he stated that they were ready to pay a surety of 20 million Hungarian forints (HUF, approximately EUR 55,000 at the time) so the applicant could be placed under criminal supervision although he had no residence of his own in Hungary. The High Court upheld the first-instance decision on 28 January 2021. It held in relation to the declarations appended to the appeal that they could not mitigate the risk of absconding that the applicant presented without any information certifying, in Hungarian, the relatives' material circumstances.

15. On 22 April 2021 the District Court again ordered the continued detention of the applicant for the same reasons. For the first time, the decision included a description of the weapon allegedly used by the applicant. It was also confirmed that the joint investigation team (see paragraph 6 above) had succeeded in recovering part of the proceeds of crime and were awaiting follow-up steps which had to be taken by the Slovak authorities. Official translations had been received about the continuing criminal proceedings in Slovakia, and the Hungarian police had conducted a site inspection of the crime scene and a reconstruction of the crime in an attempt to dispel confusion between the narratives of the defendants and the rest of the evidence. The District Court further clarified that forensic expert opinions were needed in four different areas of expertise. It observed that the applicant had continued to maintain contact with his parents and a sibling while in prison in Budapest and that there was no other measure which would have counterbalanced the risk of collusion, given that the applicant would have had access to a telephone and the opportunity to interact with others offline and online had he been put under criminal supervision. It took the view that the public interest that underlay the cross-border investigation should prevail over the applicant's right to be released pending trial. The High Court upheld that decision on 27 April 2021.

16. The District Court again extended the applicant's detention on 22 July 2021. It referred to further charges of causing grievous bodily harm (section 164 (1) and (3) of the Criminal Code) and attempted vandalism (section 371 (1) and (5) of the Criminal Code) allegedly committed by the applicant in 2015 and of which he had been notified by the police before the hearing. The District Court first examined the risk of flight, noting, *inter alia*, that the applicant was a single man without children and that he had parents and a sibling in the Slovak Republic who had been running his business in his absence. These circumstances were however not considered strong enough to remove the risk of his absconding, given the gravity of the charges against him and given that the authorities had been unable to trace the proceeds of the crime. Since the prosecution's application for the continued detention of the applicant did not include any reference to a risk of obstruction of the proceedings, the District Court went on to examine the second ground, namely, the risk of reoffending. It found that ground established in view of the applicant's criminal record, the criminal cases which were by then being heard with the homicide case and the psychological expert report which described him as prone to antisocial, aggressive and manipulative behaviour. The Budapest High Court upheld the District Court's decision on 30 July 2021.

17. The District Court made further orders for the applicant's continued detention on 25 August and 22 October 2021, which were upheld on appeal on 16 September and 29 October 2021, respectively.

18. On 21 December 2021, the District Court extended the detention of the applicant, finding that he continued to present risks of absconding, obstruction of justice and reoffending. It noted that the prison services had reported that the applicant had threatened to kill one of the witnesses in his case. Another criminal investigation, concerning the charge of preparing to commit homicide, was started by the police on 9 November 2021. The District Court drew from the new information the conclusion that the applicant might obstruct the criminal proceedings by threatening or influencing potential witnesses and further concluded for the same reason that criminal supervision would not be appropriate. The High Court upheld that decision on 27 December 2021.

19. The District Court again extended the applicant's detention on 24 February 2022. In that decision, the District Court held that it was not relevant to its assessment of the risk of flight that the applicant was a foreign national and had no fixed address in Hungary. The court also held that the European Arrest Warrant (see paragraph 7 above) was irrelevant since the authorities had had full knowledge of the applicant's address in the Slovak Republic since the beginning of the investigation. It held that the applicant continued to present a risk of absconding given the gravity of the offences, his criminal history, his motives and his record. The District Court took note of the completion of the investigation and also of the recent police

discontinuance of his prosecution for the offence of preparation for homicide (see paragraph 18 above), as there was insufficient supporting evidence. Since the investigation was over, the District Court accepted that there was no longer any risk that the applicant would obstruct those proceedings. It also held, however, that continued detention was justified because of the risk that the applicant would commit further offences, given his criminal history and the forensic psychologist and psychiatrist expert opinions which had showed him to be inclined towards criminal behaviour (see paragraph 16 above).

20. On 2 March 2022 the High Court upheld the decision. It held however that the fact that the applicant had no address, property or family of his own in Hungary indicated that there was a risk of flight and that the applicant's Slovak nationality and residence had no impact on this finding. It dismissed an appeal by the prosecution and upheld the finding of the District Court that the applicant no longer presented any risk of obstructing proceedings because the investigation had been concluded and any attempt by the applicant to tamper with witnesses would not affect the trial given that the witnesses had already recorded their statements. The court concluded that if the applicant were allowed out on bail, even the strictest electronically supervised form of criminal supervision would not properly mitigate the multiple risks he presented.

21. The District Court continued to uphold the applicant's detention on 21 April 2022, justifying that decision by reference to the risks of absconding and further offending. It dismissed applications by the defence for the release of the applicant on condition that he reside at his address in Slovakia. The District Court ordered the applicant to be held in pre-trial detention because his criminal history and the unfavourable conclusions drawn by the forensic experts as to his behaviour and attitudes strongly suggested that he would not abide by the rules of criminal supervision in the Slovak Republic. The High Court upheld that decision on 27 April 2022.

22. On 22 May 2022 the Central Investigating Prosecutor's Office indicted the applicant and two other defendants for homicide committed against multiple persons with premeditation and for gain, as a joint offender (section 160 (1) and (2)(a)(b) and (f) of the Criminal Code); for two counts of causing grievous bodily harm as a principal (section 164 (1) and (3) of the Criminal Code); and for one count of attempted vandalism as a principal (section 371 (1) and (5) of the Criminal Code). The investigation file transmitted with the indictment had more than 20,000 pages, including the official records of steps taken in the investigation, classified information, operational information exchanged via the European Police Office (Europol), the results of cell site analysis of data records, various data transmitted by the Slovak authorities, nine forensic expert reports, forty witness statements and the statements of the applicant and the second defendant in the case.

23. In the course of the preparation for trial, on 22 June 2022, the Budapest High Court (the trial judge) decided to extend the applicant's

detention until the pronouncement of the judgment of the court of first instance, under section 276 (2)(a)(ab) and (c)(cb) and section 277 (4)(a),(c) and (e) of the Code of Criminal Procedure (see paragraph 30 below). The court found that there was a risk of the applicant absconding, given the gravity of the offences, the severity of the potential sentence of life imprisonment, the circumstances of the offence, the psychologist's report, the applicant's lack of connection with Hungary and his association with known criminals. It further held that the applicant's domestic and foreign convictions and the psychologist's report showed that there was a risk of reoffending. His criminal history and the characterisation of him as being inclined towards criminal behaviour led the court to conclude that he could not be expected to comply with the rules of any less restrictive measure other than pre-trial detention. The Budapest Court of Appeal upheld that decision on 19 July 2022.

24. The Budapest High Court held hearings in the applicant's case on 5 and 25 October, 9 and 15 December 2022.

25. On 16 December 2022 the Budapest High Court carried out a review of the grounds of the applicant's continued detention under section 291 (1)(a) of the Code of Criminal Procedure (see paragraph 30 below) and came to the same conclusion on the same grounds as in its decision of 22 June 2022 (see paragraph 23 above). The Budapest Court of Appeal upheld that decision on 2 February 2023. It also held that the finding of a risk of reoffending was justified by information about the applicant living a life of crime. It agreed with the District Court that no alternative measure would suffice since the applicant had so far shown no interest in observing the law voluntarily and because a restraining order would not have averted the risk of his absconding.

26. The High Court held fifteen hearings in the applicant's case in 2023, another fifteen hearings in 2024 and six hearings in 2025.

27. On 18 July 2023, 12 February and 1 October 2024 the Budapest Court of Appeal again reviewed the grounds for the applicant's continued detention at the statutory intervals, in accordance with section 291 (1)(b) and (c) of the Code of Criminal Procedure (see paragraph 30 below), coming to the same conclusions and on the same grounds as in its decision of 2 February 2023 (see paragraph 25 above). On 18 July 2023 it also ruled out the possibility of the applicant being released under criminal supervision to live at his registered address in the Slovak Republic because of his criminal record and the limited opportunity for police oversight. On 12 February 2024 the Court of Appeal likewise observed that there had been no substantial change imposing the applicant's release and that there was still a risk of absconding and of reoffending. That decision was upheld by the *Kúria* on 10 April 2024.

28. In its decision of 1 October 2024, the Court of Appeal held that there had not been any change of circumstances since its decision of 12 February 2024 when it had reviewed the reasonableness of the applicant's detention. It held that the risk of absconding was corroborated by the gravity of the

charges, the severity of the potential sentence (there was a possibility of a life sentence), the applicant's lack of any personal or business attachment with Hungary and his criminal connections abroad. The Court of Appeal also held that there was a possibility of reoffending in view of the applicant's criminal history (he had previous convictions in Hungary and Slovakia for violent offences) and the evidence of the expert psychologist, who had assessed the applicant as having a tendency to engage in repeated criminal behaviour. Furthermore, the Court of Appeal addressed the passage of more than four years since the applicant had been first remanded in detention (see paragraph 9 above). It held that the reasons for ordering the continued pre-trial detention of the applicant had neither become less pressing nor ceased to be relevant. It added that the public interest in the successful conduct of the proceedings, the determination of the criminal charges and the enforcement of any sentence if he were convicted carried much greater weight than the applicant's right to respect for his personal freedom.

29. On 2 April 2025 the Budapest High Court convicted the applicant as charged and sentenced him to life imprisonment with no possibility of parole and 10 years of exclusion from participating in public affairs.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

30. The Code of Criminal Procedure provides as follows:

Section 271

“(1) When a coercive measure is ordered or enforced, efforts shall be made to ensure that the application of the coercive measure leads to the restriction of the fundamental rights of the person concerned only to the extent and for the time strictly necessary.

(2) A more restrictive coercive measure may be ordered if the objective of the coercive measure cannot be achieved by applying a less restrictive coercive measure or by any other step. ...”

Section 276

“(1) In proceedings for a criminal offence punishable by imprisonment, a coercive measure affecting personal freedom subject to judicial confirmation may be ordered, extended, or maintained against the defendant if

a) the defendant is reasonably suspected of having committed a criminal offence, or he was indicted, and

b) doing so is necessary to achieve the objective of the coercive measure affecting personal freedom subject to judicial confirmation, and that objective cannot be achieved by any other means.

(2) A coercive measure affecting personal freedom subject to judicial confirmation may be ordered in order to

a) ensure the attendance of a defendant if

KOSTOV v. HUNGARY JUDGMENT

aa) he has previously escaped, attempted to escape, or hidden from the court, the prosecution service, or an investigating authority, or

ab) it is reasonable to assume that he would become unavailable to a criminal process in particular by escaping or hiding,

b) prevent the complication or frustration of the taking of evidence if

ba) the defendant, with a view to frustrating the taking of evidence, has intimidated or illegally influenced a person involved in the criminal proceeding or any other person, or destroyed, falsified, or hidden any means of physical evidence, electronic data, or object subject to the forfeiture of assets, or

bb) it is reasonable to believe that the defendant would jeopardise the taking of evidence in particular by intimidating or illegally influencing a person involved in the criminal proceedings or any other person, or by destroying, falsifying, or hiding any means of physical evidence, electronic data, or object subject to the forfeiture of assets,

c) eliminate the possibility of reoffending if

ca) the defendant has continued the criminal offence which is the subject matter of the proceedings after he was interrogated as a suspect, or he has been interrogated as a suspect regarding any other intentional criminal offence punishable by imprisonment that was committed after he was interrogated as a suspect, or

cb) it is reasonable to believe that the defendant would complete the criminal offence he attempted or prepared, continue the criminal offence which is the subject matter of the proceedings, or commit another criminal offence punishable by imprisonment.”

Section 277

“(1) A restraining order may be issued to avoid the hindrance or frustration of the taking of evidence, or to eliminate the possibility of reoffending against the aggrieved party.

(2) Criminal supervision may be ordered to ensure the attendance of a defendant, avoid the hindrance or frustration of the taking of evidence, or eliminate the possibility of reoffending.

(3) Criminal supervision may be ordered in combination with making a restraining order.

(4) Pre-trial detention may be ordered to ensure the attendance of a defendant, avoid the hindrance or frustration of the taking of evidence, or eliminate the possibility of reoffending if, taking into account in particular

a) the nature of the criminal offence,

b) the progress and requirements of the investigation,

c) the personal and family situation of the defendant,

d) the relationship between the defendant and any other person involved in the criminal proceedings or any other person,

e) the behaviour of the defendant before and during the criminal proceedings,

KOSTOV v. HUNGARY JUDGMENT

the objectives of the coercive measure affecting the defendant's personal freedom subject to judicial confirmation cannot be achieved by making a restraining order or by an order for criminal supervision. ..."

Section 291

"(1) After a bill of indictment has been issued, there shall be a review of whether the restraining order or the order for criminal supervision was necessary

a) by the trial court if there has been no determination and six months have passed since the trial court first made or extended the restraining order or the order for criminal supervision,

b) by the appeal court if the trial court has not yet determined the case and a year has passed since the trial court first made or extended the first restraining order or the first order for criminal supervision,

c) after the time for the review by the appeal court set out in point b), by the appeal court at least every six months, until the trial court determines the case."

Section 298

"(1) The pre-trial detention may last up to

...

e) five years if the proceedings against the defendant are for a criminal offence punishable by life imprisonment.

...

(4) The maximum length of the pre-trial detention under paragraph (1) *e)* shall be extended by another year if

...

d) indictment was for the offence of homicide committed with premeditation, for gain, against multiple persons or as set out in section 160 (2) *l)*, having regard to paragraph (7) *a)*, of the Criminal Code, ...

(5) If the court orders criminal supervision solely because the maximum length of pre-trial detention under paragraph (1) *e)* has been reached, then the court

a) shall require that the defendant may not leave a specific residence, other premises, or a fenced area without permission,

b) shall require a defendant whose place of residence is not suitable for criminal supervision to spend the period of criminal supervision at an accommodation provided by the State,

c) may not permit the defendant to leave the place designated for him in order to go to work."

31. The Constitutional Court examined the request of the Commissioner for Fundamental Rights for a review of the constitutionality of section 298 (2)(a) of the Code of Criminal Procedure (see paragraph 30 above). This rule provided that, in the case of prosecution for the most serious offences (punishable by life imprisonment), there was no upper limit on the duration of pre-trial detention. The Constitutional Court declared the contested

provision unconstitutional in its decision no. 10/2021. (IV.7.) AB with effect from 30 September 2021. In the Constitutional Court's view, the failure of the first-instance courts to deliver a decision in reasonable time in criminal cases where the defendant is held in detention is often not attributable to the defendant, who should, as a constitutional principle, not bear the consequences of judicial delays. It held that after the expiry of the maximum duration foreseen by the Code of Criminal Procedure for pre-trial detention, strict measures of criminal supervision (including the use of electronic monitoring devices) should suffice. The Constitutional Court, declined, however, to specify a maximum period.

THE LAW

ALLEGED VIOLATION OF ARTICLE 5 § 3 OF THE CONVENTION

32. The applicant complained that the courts had not given relevant and sufficient reasons for keeping him in custody and that his pre-trial detention had exceeded the "reasonable time" requirement of Article 5 § 3 of the Convention, which, in 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."

A. Admissibility

33. The Court notes that this complaint is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. *The parties' arguments*

34. The applicant maintained that the length of his pre-trial detention had been excessive and unreasonable. The authorities had relied mainly on the severity of the potential sentence and had disregarded all requests for the applicant to be ordered to live at his usual address in the Slovak Republic in order to ensure his presence at the trial. The authorities had joined the criminal cases being investigated in the Slovak Republic to the homicide case being prosecuted in Hungary, which unnecessarily contributed to the length of his pre-trial detention.

35. The Government submitted that all the criteria for pre-trial detention and for its extension had been met. The applicant's detention had been justified by the reasonable suspicion that he had committed very serious offences. The proceedings had been particularly complex having regard to the

involvement of multiple forensic experts and the investigating authorities of the Slovak Republic. The Slovakian authorities had had to hear witnesses and search for the assets obtained through the applicant's suspected criminal activities. Moreover, the nature of the offences with which he had been charged, the severity of the potential penalty, his prior convictions and the other charges which had been brought against him in the meantime by the Slovak investigating authorities justified the entire period of his pre-trial detention.

2. *The Court's assessment*

(a) *The general principles*

36. The period of detention to be taken into consideration under Article 5 § 3 of the Convention starts when a person is arrested or remanded in custody and ends when he or she is released and/or the charge is determined, even if only by a court of first instance (see *Selahattin Demirtaş v. Turkey (no. 2)* [GC], no. 14305/17, § 290, 22 December 2020).

37. 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 facts of each case and according to its specific features. 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, and *Idalov v. Russia* [GC], no. 5826/03, § 139, 22 May 2012).

38. According to the Court's settled case-law, the presumption under Article 5 is in favour of release. As established in *Neumeister v. Austria* (27 June 1968, § 4, Series A no. 8), the second limb of Article 5 § 3 does not give judicial authorities a choice between either bringing an accused to trial within a reasonable time or granting him provisional release pending trial. Until conviction, he must be presumed innocent, and the purpose of the provision under consideration is essentially to require his provisional release once his continuing detention ceases to be reasonable (see *Bykov v. Russia* [GC], no. 4378/02, § 61, 10 March 2009, and *Buzadji v. the Republic of Moldova* [GC], no. 23755/07, § 89, 5 July 2016).

39. The persistence of a reasonable suspicion that the detainee has committed an offence is a *sine qua non* for the validity of his or her continued detention. But when the national judicial authorities first examine, "promptly" after the arrest, whether to place the arrestee in pre-trial detention, that suspicion no longer suffices, and the authorities must also give other relevant and sufficient grounds to justify the detention. Those other grounds may be a risk of flight, a risk of pressure being brought to bear on witnesses

or of evidence being tampered with, a risk of collusion, a risk of reoffending, or a risk of public disorder and the related need to protect the detainee (see *Buzadji*, cited above, §§ 87-88 and 101-102, with further references). Those risks must be duly substantiated, and the authorities' reasoning on those points cannot be abstract, general or stereotyped (see *Merabishvili v. Georgia* [GC], no. 72508/13, § 222, 28 November 2017, with further references).

40. The risk of flight cannot be gauged solely on the basis of the severity of the possible sentence; it must be assessed with reference to a number of other factors, such as the accused's character, morals, assets, links with the jurisdiction, and international contacts. Moreover, the last sentence of Article 5 § 3 of the Convention shows that, when the only remaining reason for detention is the fear that the accused will flee and thus avoid appearing for trial, he or she must be released pending trial if it is possible to obtain guarantees that that appearance will be ensured (*ibid.*, § 223, with further references).

41. Similarly, the risk of pressure being brought to bear on witnesses cannot be based only on the likelihood of a severe penalty, but must be linked to specific facts (*ibid.*, § 224, with further references).

42. It primarily falls to the national judicial authorities to ensure that, in a given case, the pre-trial detention of an accused person does not exceed a reasonable time. Accordingly, they must, with respect for the principle of the presumption of innocence, examine all the facts militating for or against the existence of the above-mentioned requirement of public interest or justifying a departure from the rule in Article 5, and must set them out in their decisions on applications for release (see *Buzadji*, cited above, § 91, and *Idalov*, cited above, § 141).

43. It is essentially on the basis of the reasons set out in the decisions of the national judicial authorities relating to the applicant's pre-trial detention and of the arguments made by the applicant in his requests for release or appeals that the Court is called upon to decide whether or not there has been a violation of Article 5 § 3 of the Convention (see *Merabishvili*, cited above, § 225, with further references).

44. 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 *S., V. and A. v. Denmark* [GC], nos. 35553/12 and 2 others, § 77, 22 October 2018, and *Idalov*, cited above, § 140).

45. 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). 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 *Idalov*, cited above, § 140). The pre-trial detention must be necessary (see *S., V. and A. v. Denmark*, cited above, § 77).

(b) Application of these principles to the present case*(i) Period to be taken into consideration*

46. The Court observes that the applicant was arrested on 24 July 2020 (see paragraph 7 above) and convicted at the first level of jurisdiction on 2 April 2025 (see paragraph 29 above). He was therefore in pre-trial detention within the meaning of Article 5 § 1 (c) of the Convention for four years, eight months and ten days. Even taking into account that the prosecution concerned the suspicion of involvement in a complex murder case and other offences, the Court considers it a substantial period of time (compare *Maglódi v. Hungary*, no. 30103/02, § 32, 9 November 2004; *Gábor Nagy v. Hungary* (no. 2), no. 73999/14, § 66, 11 April 2017; and *Lakatos v. Hungary*, no. 21786/15, § 56, 26 June 2018; see also, for illustrative purposes, *Somogyi v. Hungary* [Committee], no. 43411/12, § 28, 17 October 2017).

(ii) Reasonableness of the length of detention

47. The Court notes that the reasonable suspicion on which the domestic courts based their decisions to extend the applicant's pre-trial detention arose from extensive material gathered during the investigation (see paragraph 9 above). It also accepts that the suspicion that the applicant had committed murder may have persisted throughout the period of his pre-trial detention but reiterates that the existence of reasonable suspicion cannot by itself justify pre-trial detention and must be supported by additional grounds (see the case-law quoted in paragraph 39 above, and *Gábor Nagy* (no. 2), cited above, § 67). The Court will therefore examine whether the other grounds relied on by the judicial authorities justified depriving the applicant of his liberty.

48. The Court observes that the applicant's pre-trial detention was ordered and then periodically upheld on the following grounds:

- (1) the risk of absconding;
- (2) the risk of perverting the course of justice; and
- (3) the risk of reoffending.

While the risks of absconding and reoffending were relied on by the judicial authorities throughout the proceedings, the risks of pressure on witnesses and of collusion with other defendants were an additional ground to justify the applicant's pre-trial detention in the investigation phase (see paragraphs 9, 10 and 18 above). The Court accepts the domestic courts' findings that there would be a substantial risk of the applicant perverting the course of justice if he were released, during the initial phase of the investigations. This was supported by the concealment of the evidence connecting him to those offences, with which he had been charged years later (see paragraphs 10 and 12 above; compare *Maglódi*, cited above, § 38). The Court also observes that the finding of a risk of witness tampering was likewise based on an event giving rise to a separate criminal investigation (see paragraph 18 above) and that the courts had found that the risk of

perverting the course of justice had ceased to exist as soon as it was known that that investigation had been discontinued and the witnesses had recorded their statements (see paragraphs 19-20 above).

49. The Court further observes that after 24 February 2022 (see paragraph 19 above) the domestic courts relied only on the risks of the applicant's absconding and of the possibility that he would reoffend. It reiterates that these risks should be assessed with reference to various factors, especially the character of the person involved, his home, his occupation, his assets, his family ties and all his links with the country in which he is being prosecuted (see the case-law cited in paragraph 40 above).

50. In this respect, the Court notes that the domestic courts relied on the applicant's character, his lack of links with Hungary, his connections with members of a known criminal organisation, the pending criminal cases against him in the Slovak Republic, the further charges notified to him in Hungary and his history of violent offending in both countries as well as his use of the proceeds of his crimes (see paragraphs 10, 12, 13, 15, 16, 19, 20, 23, 25 and 28 above). Moreover, the domestic authorities underlined that experts in psychology and psychiatry had described the applicant as prone to criminal, aggressive and manipulative behaviour (see paragraphs 16 *in fine*, 19 *in fine*, 21, 23 and 28 above). The Court is satisfied that the domestic courts substantiated the persistence of the risks of absconding and of reoffending with reference to these additional factors instead of extending his detention relying solely on the gravity of the charges.

51. The Court further notes that those courts duly examined the applicant's and his defence lawyer's appeals against the extension of detention. They also considered whether preventive measures other than pre-trial detention would be sufficient to ensure the proper conduct of the proceedings. In all the decisions, the domestic courts answered this question in the negative, finding that a non-custodial measure would not have been appropriate, especially in view of the unconvincing requests put forward by the applicant, of the fact that if put merely under criminal supervision, the applicant would have had access to telephone and could interact with others offline and online, and of the limited opportunity for police oversight (see paragraphs 14, 15, 20, 21, 23, 25 and 27 above).

52. In the light of the above, the Court considers that the grounds given for the applicant's pre-trial detention were "relevant" and "sufficient" to justify holding him in custody for the entire period under consideration. The assessment of the "relevant and sufficient" reasons, however, cannot be detached from the actual length of pre-trial detention. Accordingly, it remains to be ascertained whether the judicial authorities displayed "special diligence" in the conduct of the proceedings (see *Gábor Nagy (no. 2)*, cited above, § 77, and *Velečka and Others v. Lithuania*, nos. 56998/16 and 3 others, § 102, 26 March 2019).

(iii) Conduct of the proceedings

53. The period of the applicant's detention to be examined under Article 5 §§ 1 (c) and 3 was of an overall length of four years, eight months and ten days (see paragraph 46 above).

54. The Court notes, at the outset, that the present case relates to serious offences committed against multiple persons, including aggravated homicide, carried out in Slovakia and Hungary. The Court has previously held that States combating crime on an international scale may be faced with extraordinary difficulties (compare *Chraidi v. Germany*, no. 65655/01, § 37, ECHR 2006-XII, and *Ereren v. Germany*, no. 67522/09, § 61, 6 November 2014). The Court further notes that this length of detention remained well below the maximum detention period of six years foreseen by section 298(4)(d) of the Code of Criminal Procedure (see paragraph 30 above).

55. The Court agrees with the Government (see paragraph 35 above) that the criminal case at issue was complex, in that it required the setting up a joint investigation team with the Slovak authorities, the exchange of information with the latter, the collection, the translation and examination of voluminous documentation and physical evidence, including classified and operational information, a site inspection of the crime scene and a reconstruction of the crime, mobile phone cell sites analysis of data records, the involvement of forensic experts in four different areas of expertise and the interrogation of a significant number of witnesses (see paragraphs 6, 9, 10, 13, 15 and 22 above).

56. The applicant claimed that the length of his pre-trial detention was due to the prosecution's decision to join the criminal cases being investigated in the Slovak Republic to the homicide case in Hungary (see paragraph 34 above). In that regard the Court reiterates that the right of an accused in detention to have his case examined with particular expedition must not unduly hinder the efforts of the judicial authorities to carry out their tasks with proper care (see *Shabani v. Switzerland*, no. 29044/06, § 65, 5 November 2009, with a further reference). The Court observes that the applicant was notified of further charges one year after his arrest (see paragraph 16 above) and around ten months before the indictment of 22 May 2022 (see paragraph 22 above). The applicant has not convincingly showed that it had any significant influence on the domestic authorities' efficient conduct of the proceedings. The Court therefore does not discern sufficient grounds which would allow it to criticise them for failing to observe "special diligence" in the handling of the applicant's case in the investigation phase.

57. The indictment was supported by evidence contained in the investigation file of more than 20,000 pages (see paragraph 22 above). The Budapest High Court held altogether forty hearings over almost three years, each scheduled at short intervals, until the applicant's conviction at first instance on 2 April 2025 (see paragraph 24, 26 and 29 above). In view of the

complexity of the case and on the basis of all material in its possession, the Court is unable to conclude that the duty of special diligence was not observed in the trial phase.

58. Against the above background, and in the particular circumstances of the present case, the Court finds that the applicant's pre-trial detention, throughout the period in which he was remanded in custody, was based on relevant and sufficient reasons, with due observance of the requirement of "special diligence" in the proceedings (see, *mutatis mutandis*, *Ereren*, cited above, §§ 53-66, and *Chraidi*, cited above, §§ 33-48, in which the Court considered "reasonable", within the meaning of Article 5 § 3 of the Convention, pre-trial detentions having lasted, respectively, five years and eight months and five years and six months).

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

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;
2. *Holds* that there has been no violation of Article 5 § 3 of the Convention.

Done in English, and notified in writing on 6 October 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Andrea Tamietti
Registrar

Arnfinn Bårdsen
President