



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

FIRST SECTION

DECISION

Application no. 43134/22
Gennady SILONOV
against Latvia

The European Court of Human Rights (First Section), sitting on 17 September 2026 as a Committee composed of:

Davor Derenčinović, *President*,

Alain Chablais,

Artūrs Kučs, *judges*,

and Liv Tigerstedt, *Deputy Section Registrar*,

Having regard to:

the application (no. 43134/22) against the Republic of Latvia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 1 September 2022 by a Russian national, Mr Gennady Silonov (“the applicant”), who was born in 1963, is in detention in Riga and was represented by Mr M. Silins, a lawyer practising in Riga;

the decision to give notice of the complaints concerning Article 5 §§ 1 (c) and 3 of the Convention to the Latvian Government (“the Government”), represented by their Deputy Agent at that time, Ms E. L. Vītola, and to declare the remainder of the application inadmissible;

the parties’ observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the alleged lack of relevant and sufficient reasons justifying the applicant’s continued pre-trial detention under Article 5 § 3 of the Convention.

2. The applicant, a former KGB officer, became a Russian citizen following the restoration of Latvia’s independence and subsequently obtained a residence permit for Latvia.

3. On 9 June 2021 the Latvian State Security Agency (*Valsts drošības dienests*) instituted criminal proceedings against the applicant on suspicion of more than 40 counts of espionage under section 85(1) of the Criminal Law (*Krimināllikums*), allegedly committed between July 2016 and May 2021. It was alleged that, acting under instructions from the Federal Security Service of the Russian Federation (“the FSB”), he had collected national security related information provided by a member of the Latvian Parliament for the purpose of transmitting it to the FSB.

4. On the same day the applicant was arrested at Riga International Airport before boarding a flight to Moscow.

5. On 11 June 2021 he was declared a suspect and the Riga City Vidzeme District Court (*Rīgas pilsētas Vidzemes priekšpilsētas tiesa* – hereinafter “the District Court”) ordered his pre-trial detention. The investigating judge (*izmeklēšanas tiesnesis*) found that there was a reasonable suspicion that the applicant had committed espionage. The judge held that, given the nature of the alleged offence and the early stage of the investigation, there was a risk that the applicant, if released, might interfere with the proceedings through witness tampering or influencing persons yet to be identified and questioned, or destroying evidence, some of which was stored electronically and could be deleted remotely from any device connected to the internet. The judge further found a risk of absconding, noting the applicant’s Russian citizenship; his strong and stable ties to the Russian Federation, which he visited regularly; the nature of the alleged offence; the potential severity of the sentence; and indications of links to a foreign intelligence service. On that basis, the judge concluded that detention was justified at that stage and that less restrictive measures would not sufficiently mitigate the risks.

6. On 2 July and 8 July 2021 the Riga Regional Court (*Rīgas apgabaltiesa*) dismissed the appeals lodged by the applicant and his counsel. The court found that the investigating judge had properly evaluated the facts, the gravity of the charges and the applicant’s personal circumstances.

7. On 17 August, 19 October, 17 December 2021, and 16 February 2022, the investigating judge reviewed and maintained the applicant’s pre-trial detention, each time on the basis of the case file, including newly obtained material, and confirmed that the reasonable suspicion and both risks justifying detention persisted. The risk of obstruction was based on the number of persons involved; the fact that not all of them, including the applicant himself, had yet been questioned on all the issues relevant to the case; the applicant’s knowledge of the transcripts of the intercepted communications; and, later, indications that he might have given false evidence. The risk of absconding was based on the fact that he regularly crossed the Latvian-Russian border; the finding that he had property and family in Russia; his own statement in court that he worked and earned income in both States; his possible ties to a Russian intelligence service; and the severity of the potential sentence. Against those risks the judge weighed

the applicant's family ties in Latvia, employment, character references and lack of prior convictions, but found them insufficient to warrant his release.

8. In the decision of 16 February 2022 the investigating judge also explained that house arrest, even combined with technical monitoring, as well as bail conditions, a restraining order or police supervision, would not prevent the applicant from maintaining covert contact with his co-accused and coordinating evidence, since the authorities would be unable to control all possible channels of communication.

9. On 18 March 2022 the criminal case was forwarded to the District Court for trial.

10. On 16 May 2022 the District Court heard an application lodged by the applicant and his defence counsel to amend the existing pre-trial detention order and dismissed it. It held that the circumstances on which the detention had been based had not changed and that detention remained the only security measure capable of preventing him from absconding. It found none of the special circumstances required by domestic law for house arrest and refused bail, noting that neither the applicant nor his counsel had proposed an amount of bail, explained his financial situation or addressed the other statutory criteria. On 16 August 2022 the Riga City Court (*Rīgas pilsētas tiesa* – which replaced the District Court) dismissed a further application by the applicant for a less restrictive measure, essentially repeating the reasoning set out in its decision of 16 May 2022.

11. On 9 December 2022 the City Court examined the applicant's application to amend the detention order and dismissed it. The court found that there was still a risk of his absconding: the applicant was accused of acting in the interests of the Russian Federation and, should he leave Latvia, it was not realistic to expect his extradition, given that bilateral cooperation between Latvia and the Russian Federation had been suspended or reduced to a minimum and that the Russian authorities did not extradite their own nationals for criminal proceedings abroad. It held that no preventive measure other than detention could ensure the applicant's appearance at trial. On 30 March 2023 the City Court dismissed another application for the detention order to be amended, finding that the circumstances on which the detention had been based had not changed since the last review on 9 December 2022, that there was still a risk of the applicant's absconding and that detention remained the only measure capable of ensuring the effective conduct of the proceedings.

12. On 20 April 2023 the Regional Court, at the City Court's request, extended the applicant's pre-trial detention beyond the statutory 24-month maximum by 3 months. The court found that the proceedings had progressed without unjustified delays and noted the complexity of the case and that no alternative measures could ensure the applicant's appearance before the court. A further review on 25 July 2023 by the City Court judge left the detention order unchanged.

13. On 14 August 2023 the Regional Court, at the City Court's request, again ordered the extension of the applicant's detention for a further three months. It relied essentially on the same reasons as in its decision of 20 April 2023.

14. On 9 November 2023 the City Court found the applicant guilty of espionage and sentenced him to seven years and six months' imprisonment.

15. The applicant complained that the successive decisions extending his detention had been formulated in general and abstract terms, the only true basis for his detention being, in his submission, his Russian citizenship. He relied on Article 5 §§ 1 (c) and 3 of the Convention.

THE COURT'S ASSESSMENT

16. The Court considers that the complaint should be examined solely under Article 5 § 3 of the Convention (see *Buzadji v. the Republic of Moldova* [GC], no. 23755/07, § 61, 5 July 2016).

17. The applicant stated that the domestic courts had disregarded his lack of prior convictions, his permanent residence in Latvia and his character references. He also contended that they had failed to consider alternative measures, even though the length of his detention and the delays caused by the trial judge's holiday and subsequent withdrawal from the case had constituted, in his view, special circumstances warranting house arrest. The Government considered that the applicant's complaint was manifestly ill-founded.

18. The applicable general principles concerning the application of Article 5 § 3 are set out in *Buzadji* (cited above, §§ 84-91).

19. The Court observes that the applicant was arrested on 9 June 2021 and was convicted by the first-instance court on 9 November 2023. He was therefore in pre-trial detention for two years and five months. Whether that period can be considered reasonable or not will depend on the specific features of the case and the reasons given by the domestic courts in their decisions on the applicant's requests for release (*ibid.*, §§ 90-91, with further references).

20. The Court accepts the Government's argument that cases involving espionage, such as the present one, may give rise to genuine and particular difficulties for the investigative authorities, owing to the highly sensitive and complex nature of the offence and its implications for national security. However, such difficulties cannot, in themselves, justify the overall duration of the applicant's pre-trial detention in this case (see, *mutatis mutandis*, *Dobbertin v. France*, 25 February 1993, § 42, Series A no. 256-D). The domestic courts were therefore required to demonstrate that the applicant's continued detention was justified throughout the period in question.

21. The Court considers it established that the applicant was under reasonable suspicion at the time of his arrest and that the suspicion, having

arisen from extensive material gathered during the investigation and having been reinforced by the evidence subsequently obtained, persisted until his conviction by the first-instance court.

22. In addition to the existence of reasonable suspicion, the domestic courts, prior to forwarding the case to trial, relied on two grounds for the applicant's continued detention: (i) the risk of interference with the pre-trial investigation, and (ii) the risk of absconding.

23. As concerns the risk of interference with the pre-trial investigation, the domestic courts relied on specific material in the case file to substantiate the risk of the applicant colluding with other persons involved in the alleged criminal activities and of his tampering with evidence (see paragraphs 5 and 7 above).

24. As concerns the risk of absconding, the domestic courts relied on the gravity and nature of the offence and the severity of the possible sentence, as well as on material in the case file indicating the applicant's links with Russia and possibly its special services, which could enable him to leave Latvia and evade the jurisdiction of the domestic authorities (see paragraphs 5 and 7 above).

25. The applicant did not agree with the domestic courts' substantive assessment of those risks, but the courts did not rely on those grounds arbitrarily. They explained how they applied to the specific circumstances of the applicant's case. The Court also accepts that, given the nature of the suspected offence, the applicant's personal circumstances and the stage of the investigation, the applicant's continued detention at that stage was justified.

26. Once the pre-trial investigation was completed and the criminal case was forwarded to the District Court for trial, the domestic courts no longer referred to the risk of tampering with evidence or influencing witnesses at that stage of the proceedings. However, the domestic courts held that there was still a risk of the applicant's absconding since the circumstances underlying that risk had not changed (see paragraph 10 above). It was additionally held that the applicant was accused of having acted in the interests of the Russian Federation and that, should he leave the territory of Latvia, it was not realistic to expect that he could be extradited, given that bilateral cooperation between Latvia and the Russian Federation had been suspended or reduced to a minimum and that the Russian authorities did not extradite their own nationals for criminal proceedings abroad (see paragraph 11 above). Even though a more extensive assessment of that remaining ground would have been desirable following the referral of the case for trial, it cannot be concluded that relevant and sufficient reasons for the applicant's continued detention ceased to exist.

27. In their orders, the domestic courts referred to the specific facts of the case and the applicant's personal circumstances and did not use "general and abstract" arguments for his continued detention (contrast, for example, *Boicenco v. Moldova*, no. 41088/05, § 143, 11 July 2006). Although the

wording of the domestic decisions appears to be repetitive to some extent, the domestic courts cannot be criticised in that regard as their reasons remained valid throughout the applicant's pre-trial detention, which was the subject of multiple reviews (see *Knebl v. the Czech Republic*, no. 20157/05, § 68, 28 October 2010). Bearing in mind the nature of the case, it was reasonable to believe that the risk of the applicant's absconding persisted throughout his pre-trial detention. The domestic courts' reasoning that his Russian citizenship; the fact that he regularly travelled to Russia, where he had property, family and income; and the connections with a Russian intelligence service which he was suspected of maintaining might have enabled him to leave Latvia and escape the jurisdiction of the domestic authorities was not arbitrary (see paragraphs 5, 7 and 11 above).

28. As to possible alternative measures (see *Jablonski v. Poland*, no. 33492/96, § 83, 21 December 2000), the Court observes that the decisions of the national courts do not merely refer to the relevant provisions of domestic law, but contain an assessment of why no less restrictive measure could counter the risks identified (see paragraphs 8, 10 and 11 above, and, *mutatis mutandis*, *Grubnyk v. Ukraine*, no. 58444/15, § 128, 17 September 2020).

29. In respect of the domestic authorities' duty to exercise special diligence (see *Labita v. Italy* [GC], no. 26772/95, §§ 152-53, ECHR 2000-IV), the Court notes that the investigation concerned more than 40 counts of espionage allegedly committed over several years on the instructions of a foreign intelligence service, an offence whose highly sensitive and complex nature posed particular difficulties for the investigating authorities. The pre-trial investigation was nevertheless completed within nine months, and the applicant's detention was further extended by a higher court, for three months at a time, based on a reasoned finding that the proceedings had progressed without unjustified delays (see paragraphs 12 and 13 above). The applicant was convicted less than 20 months after the case had been referred for trial, and it does not appear from the material before the Court that any substantial periods of inactivity were attributable to the authorities. In these circumstances the Court finds that the domestic authorities exercised the requisite special diligence.

30. In the light of the above, the Court finds that the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

SILONOV v. LATVIA DECISION

Done in English and notified in writing on 8 October 2026.

Liv Tigerstedt
Deputy Registrar

Davor Derenčinović
President