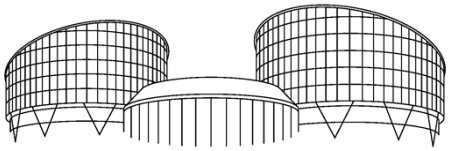

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

# CASE OF DIANOVA AND OTHERS v. RUSSIA

*(Applications nos. 21286/15 and 4 others – see appended list)*

JUDGMENT

Art 11 • Freedom of assembly • Termination by police officers of five-day hunger strike of one of the applicants in a public space and ensuing administrative conviction for participation in unauthorised "public event" • Ambiguity in public events' legal classification and categorical and formalistic application of legal framework on "static demonstrations" • Absence of relevant and sufficient reasons • Conviction based on purely formal grounds • Fine imposed of a criminal nature requiring particular justification • Interference not shown to pursue a pressing social need and not "necessary in a democratic society"
Art 10 • Freedom of expression • Administrative conviction of the remaining four applicants for participation in unauthorised "public event" for gathering with another two persons in a park's secluded area to make a political satirical film • Legal ground of interference did not meet "quality of law" requirements • Broad definition of "meeting" in relevant domestic law allowing expansive interpretation by domestic authorities • Application of concept of "mass gathering" to a group of six individuals without considering specific context and nature of applicants' activity • Art 5 § 1 • Art 6 § 1 (criminal) • Administrative arrest and detention at the police station in breach of right to liberty and unfair administrative offence proceedings on account of absence of a prosecuting party

Prepared by the Registry. Does not bind the Court.

STRASBOURG

10 September 2024

*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 Dianova and Others v. Russia,**

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

Pere Pastor Vilanova*, President*,
Jolien Schukking,
Georgios A. Serghides,
Darian Pavli,
Peeter Roosma,
Oddný Mjöll Arnardóttir,
Diana Kovatcheva*, judges*,
and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the applications (nos. 21286/15, 13140/16, 13162/16, 20802/16 and 24703/16) against the Russian Federation lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by five Russian nationals ("the applicants"), on the various dates indicated in the appended table;

the decision to give notice to the Russian Government ("the Government") of the complaints under Articles 5, 6, 10, 11 and 13 of the Convention and to declare the remainder of the applications inadmissible;

the decision to grant priority to the application no. 21286/15 under Rule 41 of the Rules of Court;

the parties' observations;

the comments submitted by the Institute for Law and Public Policy in application no. 21286/15, which were granted leave to intervene by the President of the Section;

the decision of the President of the Section to appoint one of the sitting judges of the Court to act as an *ad hoc* judge, applying by analogy Rule 29 § 2 of the Rules of Court (see *Kutayev v. Russia*, no. 17912/15, §§ 5-8, 24 January 2023);

Having deliberated in private on 9 July 2024,

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

# INTRODUCTION

1. The present case concerns two instances in which acts of political and artistic expression were interrupted and sanctioned under the Code of Administrative Offences ("the CAO").

# THE FACTS

2. The applicants' personal details and the names of their representatives appear in the appended table.

3. The Government were initially represented by Mr M. Galperin, former Representative of the Russian Federation to the European Court of Human Rights, and subsequently by Mr M. Vinogradov, his successor in that office.

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

## I. APPLICATION No. 21286/15

### A. Hunger strike in protest against ill-treatment of prisoners

5. At the material time Ms Dianova, a pensioner, was a member of the Public Monitoring Commission of the Sverdlovsk Region ("the Sverdlovsk ONK"), which was carrying out regular inspections of detention facilities.

6. On 2 August 2014 a detainee was beaten in special-regime correctional colony IK-63 in Ivdel in the Sverdlovsk Region. He was admitted to a hospital due to the severity of his injuries.

7. On 5 August 2014 the applicant and other members of the Sverdlovsk ONK attempted to visit IK-63 but were denied entry.

8. On 6 August 2014 the applicant and Ms Z., a fellow member of the Sverdlovsk ONK, decided to hold a hunger strike to draw attention to the detainee's ill-treatment. They wrote a letter to the Sverdlovsk Regional Department of the Federal Penitentiary Service ("the Sverdlovsk FSIN") stating their decision and requesting, *inter alia*, an independent inquiry into the allegations of ill-treatment and dismissal of the director of IK-63.

9. On the same date, Ms Dianova and Ms Z. placed two foldable camp beds near the local stadium located across the street from the building of the Sverdlovsk FSIN and displayed a banner that read "Hunger strike of the members of the Sverdlovsk ONK". Over the following days, the two women remained in the street, drinking only water. When members of the media or passers-by engaged with them, Ms Dianova and Ms Z. explained that their hunger strike aimed to demand the dismissal of the director of IK-63 and to protest against the denial of access to that penal facility for the Sverdlovsk ONK members on 5 August 2014.

10. On the evening of 11 August 2014, in view of the rain, Ms Dianova and Ms Z. set up a tent to shield the camp beds located near the stadium fence on a pedestrian walkway. At that moment, Ms M., another member of the Sverdlovsk ONK, joined the hunger strike. The camp beds and the tent did not impede pedestrian traffic, as the pathway was sufficiently wide.

### B. Administrative-offence proceedings against Ms Dianova

11. On the evening of 11 August 2014 police officers approached the three women and drew up administrative-offence records for Ms Dianova and Ms Z. No such record was drawn up in respect of Ms M.

12. The administrative-offence record for Ms Dianova, issued on 12 August 2014, read as follows:

> "At 11.30 p.m. on 11 August 2014, at [an address in Yekaterinburg], near the Central Stadium, Ms Dianova O.I, acting in breach of section 6 § 3 (1) of [the Public Events Act], failed to comply with lawful demands by police officers ... to cease participation in a public event, [specifically] a group static demonstration conducted after 10 p.m., for which no prior notification had been submitted."

13. On 27 August 2014 the Verkh-Isetskiy District Court of Yekaterinburg ("the Verkh-Isetskiy Court") held a hearing in the administrative offence case against Ms Dianova, in her presence and with her legal counsel present. The applicant argued that her hunger strike did not constitute a "static demonstration" within the meaning of the Public Events Act, and therefore was not subject to the notification procedure. Furthermore, the administrative-offence case file did not contain any evidence of Ms Dianova's alleged refusal to comply with the police's lawful demands.

14. At the hearing, Ms Dianova was informed for the first time that on 7 August 2014 the head of the Sverdlovsk FSIN had sent a letter to the head of a police unit in Yekaterinburg. The letter suggested to verify whether an administrative offence file under Article 20.2 § 2 of the CAO for breach of the established procedure for the organisation or conduct of public events should be opened against Ms Z. and Ms Dianova. It referred to the letter from Ms Dianova and Ms Z. (see paragraph 8 above), unspecified news articles and a DVD disk containing unspecified information.

15. On the same date the Verkh-Isetskiy Court found Ms Dianova guilty of breaching the rules of participation in public events under Article 20.2 § 5 of the CAO. The court rejected the applicant's arguments that the hunger strike did not qualify as a "static demonstration", finding that "the police officers had accurately determined that the public event conducted on 11 August 2014 by Ms Dianova and others, who voiced their opinions while staying in one place and without using sound-amplifying devices, near the target [organisation] and using a placard, constituted such an event". The police orders to stop the event were therefore justified, as the mandatory prior notification procedure had not been complied with.

16. The Verkh-Isetskiy Court fined Ms Dianova 10,000 Russian roubles (RUB), roughly the equivalent to her monthly old-age pension, her sole source of income at the time.

17. On 22 October 2014 the Sverdlovsk Regional Court upheld the judgment of 27 August 2014 on appeal. The appeal judgment, insofar as relevant, read as follows:

> "Considering that the intent of conducting a static demonstration, within the meaning of the [Public Events Act], is to draw public attention to a target object or issue, the efforts of Ms Dianova O.I. to highlight the plight of individuals detained in [IK-63], were rightly determined by the [first-instance] judge as constituting a static demonstration.

...

According to the police officers' reports , at 11.30 p.m. on 11 August 2014 they demanded that Ms Dianova O.I. cease her participation in a public event, [specifically] a static demonstration, and informed her that [the public event] had not been approved pursuant to the requirements of the law and had been conducted at night, which was in breach of the law ..., but Ms Dianova O.I. did not comply with these demands.

...

The penalty applied to Ms Dianova O.I. fell within the minimum range prescribed by Article 20.2 § 5 of [the CAO], and therefore cannot be considered excessively harsh."

### C. Information concerning Ms Z.

18. On 29 August 2014 the Verkh-Isetskiy Court found Ms Z. guilty of an administrative offence under Article 20.2 § 5 of the CAO and imposed a fine of RUB 10,000. On 13 November 2014 the Sverdlovsk Regional Court upheld that conviction on appeal.

## II. APPLICATIONS Nos. 13140/16, 13162/16, 20802/16 AND 24703/16

### A. Filmmaking on 19 July 2015 and the applicants' apprehension

19. According to the applicants, on the evening of 19 July 2015 they, along with two other individuals, gathered in the Vorobyovy Gory public park in Moscow with the intent of creating a satirical film. One of the actors was disguised to satirically portray Vladimir Putin, while other participants pledged their love for him while carrying posters with absurd slogans and covering each other with melted chocolate. To avoid disturbances, the filmmakers chose a secluded area of the park. At around 9 p.m. a group of uniformed and plain-clothed police officers approached them. The participants scattered, but were apprehended one by one and forced into a police van. The applicants allege that they were taken to the police station at 9.30 p.m., and released at approximately 12.15 a.m. on 20 July 2015.

20. According to the Government, officers from a Moscow police station were informed by passers-by that a group of people were chanting slogans and holding posters with obscene words near the observation deck in Vorobyovy Gory park. The applicants were taken to a police station in the Ramenki District of Moscow, where they were held from 9.20 p.m. on 19 July until 12.10 a.m. on 20 July 2015, i.e. for two hours and fifty minutes.

21. The police officers submitted reports to the head of the district department of the interior in respect of Ms Sheveleva, Mr Mikhaylov and Ms Zenyakina. The reports lacked a specific title and did not cite any legal provisions, they also differed slightly in their wording. The reports for Ms Sheveleva and Mr Mikhaylov stated that they had been "arrested and escorted [to the police station] for breaching the established order of organising or holding meetings, assemblies, marches and picketing in

accordance with the [Public Events Act]". The report for Ms Zenyakina stated that she had been "escorted to the [police] station for breaching the established order of organising or holding assemblies, meetings, and picketing pursuant to [the Public Events Act]". No report was prepared for Mr Roslovtsev.

22. On 19 July 2015 identical administrative arrest records were drawn up in respect of Ms Sheveleva, Mr Mikhaylov and Ms Zenyakina for allegedly committing an offence under Article 20.2 of the CAO. Ms Sheveleva contested the record, stating that they had been engaged in filmmaking, not in a meeting or any other political action as alleged. Mr Mikhaylov confirmed that he was unaware of any prohibited public events. Ms Zenyakina did not provide any comments on the administrative arrest record.

23. The administrative-offence records for Ms Sheveleva, Mr Mikhaylov, Ms Zenyakina and Mr Roslovtsev were prepared on the same day. The records contained the following identical passage:

> "At about 9.05 p.m. on 19 July 2015 [the applicant] was at the address ... in a group of six people, using a placard with inscriptions in Russian stained with brown substance, obviously attracting public attention, that is, [he or she] was a participant in a mass [public] event constituting a meeting, without the municipal authorities' prior approval *(«согласование»)* of the place and time to hold such an event, thus breaching [the Public Events Act], and committing [an offence] under Article 20.2 § 5 of the CAO."

24. In the administrative-offence record Ms Sheveleva stated her strong disagreement with the charges, emphasizing that the incident was a film shoot, not a political event or meeting. Mr Mikhaylov stated that he did not agree with the record and considered his arrest to be unlawful. Ms Zenyakina also expressed her disagreement with the administrative-offence record.

## B. Administrative-offence proceedings against Ms Sheveleva, Mr Mikhaylov, Mr Roslovtsev and Ms Zenyakina

### *1. First-instance trial*

25. When the administrative-offence records were transferred to the Nikulinskiy District Court of Moscow ("the Nikulinskiy Court"), Ms Sheveleva, Mr Mikhaylov, Ms Zenyakina and Mr Roslovtsev submitted in writing that they had not participated in any "public event" and that they had been making a film, exercising their right to free artistic expression.

26. According to the Government, the four applicants were informed of the first-instance hearing date and time by telegram, and they did not request an adjournment. However, Ms Sheveleva, Mr Mikhaylov and Ms Zenyakina, represented by Mr O. Beznisko, stated that they had not received any notifications. On 23 July 2015 Mr Roslovtsev, represented by Mr N. Zboroshenko, informed the Nikulinskiy Court of his lawyer's prior commitments on 24 July 2015 and requested to postpone the hearing. This request was not addressed.

27. On 24 July 2015 the Nikulinskiy Court proceeded with the administrative-offence cases against Ms Sheveleva, Mr Mikhaylov, Mr Roslovtsev and Ms Zenyakina in their absence and without their representatives. The court declined to summon the arresting police officers or the applicants' witnesses.

28. On the same day the Nikulinskiy Court issued nearly identical two-page judgments for each applicant, differing mainly in the rejection of Ms. Sheveleva's and Mr. Mikhaylov's arguments that the filming was not a "public event." The court found all applicants guilty under Article 20.2 § 5 of the CAO and fined each RUB 10,000.

29. The Nikulinskiy Court reasoned, in particular, as follows:

> "[The applicant] breached the established order of holding a public event by participating in an unauthorised [meeting]...
>
> At about 9.05 p.m. on 19 July 2015 [the applicant], while at 30, Kosygin Street, Moscow, at the Vorobyovy Gory observation deck, as part of a group of six people using placards with inscriptions in Russian covered in brown substance, participated in a meeting without the municipal authorities' prior approval of the place and time to hold such an event, thus violating [the Public Events Act], while ignoring police demands to cease the unlawful actions.
>
> ...
>
> A meeting is defined as a mass gathering of citizens in a certain place for public expression on socio-political issues.
>
> ...
>
> The aforementioned event had not received a prior approval from the [municipal authorities].
>
> In such circumstances the court considers that [the applicant]'s actions fall under Article 20.2 § 5 of the [CAO] because [the applicant] breached the established order of holding a [public event]."

### *2. Appeals*

30. On 10 September 2015 the Moscow City Court summarily rejected the appeals of Ms Sheveleva and Mr Mikhaylov and upheld the judgments in their respect. On 22 October 2015 the Moscow City Court upheld the judgment in respect of Ms Zenyakina.

31. On 16 September 2015 the Moscow City Court quashed the judgment in respect of Mr Roslovtsev and ordered a retrial. The appeal court noted that the Nikulinskiy Court had ignored Mr Roslovtsev's request to postpone the hearing of 24 July 2015 due to his lawyer's unavailability (see paragraph 26 above). The Nikulinskiy Court set a new hearing for 28 October 2015 and rejected Mr Roslovtsev's new request to postpone it as unsubstantiated.

32. On 28 October 2015 the Nikulinskiy Court found Mr Roslovtsev guilty under Article 20.2 § 5 of the CAO. He was fined RUB 10,000. On 16 December 2015 the Moscow City Court upheld that judgment on appeal.

# RELEVANT LEGAL FRAMEWORK AND PRACTICE

## I. DOMESTIC LAW

33. The relevant provisions of the Public Events Act (no. FZ-54 of 19 June 2004), as in force at the material time read as follows:

**Section 2. Basic definitions**

"... 1) a public event is an open, peaceful action accessible to all, held in the form of a gathering (*собрание*), a meeting (*митинг*), a demonstration (*демонстрация*), a march (*шествие*) or a static demonstration (*пикетирование*) or in various combinations of these forms, organised at the initiative of citizens of the Russian Federation, political parties, other public associations, or religious associations, including [events] held with the use of vehicles. The aim of a public event is the free expression and formation of opinions, and to put forward demands on issues of political, economic, social and cultural life in the country, as well as issues of foreign policy;

2) a gathering (*собрание*) is an assembly of citizens in a specially designated or arranged location for the purpose of collective discussion of socially important issues;

3) a meeting (*митинг*) is a mass assembly of citizens at a certain location with the aim of publicly expressing an opinion on topical, mainly social or political issues;

4) a demonstration (*демонстрация*) is an organised expression of public opinion by a group of citizens with the use, while advancing, of placards, banners and other means of visual expression;

5) a march (*шествие*) is a procession of citizens along a predetermined route with the aim of attracting attention to certain problems;

6) a static demonstration (*picket – пикетирование*) is a form of public expression of opinion that does not involve movement or the use of loudspeaker equipment, where one or more citizens with placards, banners and other means of visual expression station themselves near the target object of the static demonstration;

7) a notification of a public event is a document by which the [competent authority] is informed, in accordance with the procedure established by this Act, that a public event be held, so that [the competent authority] may take measures to ensure safety and public order during the [event]..."

34. Article 20.2 § 5 of the CAO read as follows at the material time:

**"Breaches of the established procedure for the organisation or conduct of public gatherings, meetings, demonstrations, marches and pickets**

Breaches of the established procedure for holding a public gathering, meeting, demonstration, march or static demonstration at a public event ... shall be punishable by an administrative fine of between 10,000 and 20,000 [Russian] roubles or community work for up to forty hours."

35. For a summary of the Plenary Supreme Court Ruling no. 28 of 26 June 2018, see *Elvira Dmitriyeva v. Russia* (nos. 60921/17 and 7202/18, §§ 32-36, 30 April 2019).

36. For a summary of the domestic law and practice on the administrative escorting and arrest, see *Tsvetkova and Others v. Russia* (nos. 54381/08 and 5 others, §§ 66-75, 10 April 2018).

## II. INTERNATIONAL MATERIALS

37. The European Commission for Democracy through Law (the Venice Commission), the Council of Europe's advisory body on constitutional matters, adopted on 4 June 2010 the Guidelines on Freedom of Peaceful Assembly, which provide as follows:

**Section B – Explanatory Notes**

"... For the purposes of the Guidelines, an assembly means the intentional and temporary presence of a number of individuals in a public place for a common expressive purpose...

16. An assembly, by definition, requires the presence of at least two persons."

38. The Venice Commission has adopted two Opinions on the Public Events Act. In its opinion CDL-AD(2012)007 of 20 March 2012, the Venice Commission stressed that restrictions on public assemblies must be necessary, proportionate and justified, and recommended amendments that would, *inter alia*, limit the grounds for suspending or terminating an assembly to public safety or imminent violence (see *Lashmankin and Others v. Russia*, nos. 57818/09 and 14 others, § 316, 7 February 2017). In its further opinion CDL-AD(2013)003 of 11 March 2013 on the 2012 amendments to the Public Events Act, the Venice Commission expressed regret that its recommendations to bring this Act into line with international standards had not been taken into account by the Russian authorities.

# THE LAW

## I. JOINDER OF THE APPLICATIONS

39. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

## II. JURISDICTION

40. The Court observes that the facts giving rise to the alleged violations of the Convention occurred prior to 16 September 2022, the date on which the Russian Federation ceased to be a party to the Convention. The Court therefore decides that it has jurisdiction to examine the present applications (see *Fedotova and Others v. Russia* [GC], nos. 40792/10 and 2 others, §§ 68-73, 17 January 2023).

## III. ALLEGED VIOLATION OF ARTICLES 10 AND 11 OF THE CONVENTION

41. The applicants complained that the actions taken by the police to put an end to the hunger strike and the filmmaking, respectively, and the subsequent administrative-offence proceedings resulting in their convictions under Article 20.2 § 5 of the CAO, have violated their rights to freedom of expression and to freedom of peaceful assembly. They relied on Articles 10 and 11 of the Convention, which read, in so far as relevant, as follows:

**Article 10**

"1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. ...

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."

**Article 11**

"1. Everyone has the right to freedom of peaceful assembly ...

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. ..."

### A. Admissibility

42. 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' submissions*

**(a) The applicants**

*(i) Ms Dianova (application no. 21286/15)*

43. Ms Dianova stated that Russian law did not contain any provisions concerning a hunger strike, with the exception of those related to detainees. Ms Dianova stated that she intended to hold a hunger strike in protest against torture in a penal facility, and Ms Z. decided to join her. Ms Dianova

considered that her behaviour was akin to that of a solo demonstrator whose message only attracted some interest from passers-by. Referring to the Court's findings in the case of *Novikova and Others v. Russia* (nos. 25501/07 and 4 others, §§ 204-08, 26 April 2016), which concerned the sanctioning of solo static demonstrations, the applicant highlighted that the mere presence of two or more people in the same place at the same time was not sufficient to classify the situation as a "public event" subject to the domestic requirement of prior notification. It can be reasonably assumed that Ms Dianova did not intend to hold an "assembly" when she planned her hunger strike. Consequently, she was not obliged to adhere to the notification requirement, which does not apply to solo demonstrations.

44. Ms Dianova stressed that, in general, Articles 20.2 and 20.2.2 of the CAO have been applied in a manner that makes it difficult to determine which forms of expression can be classified as a public assembly within the meaning of the Public Events Act and the autonomous meaning of the Convention. This lack of clarity extends to the forms of expression that occur in public, but do not fall within the definition of a "public event" or "assembly". The practice of domestic courts lacked criteria to distinguish a "public event" from other forms of public expression that did not require prior notification. The domestic legislation lacked guarantees against arbitrary interference by public authorities and failed to clarify the scope of the authorities' discretion.

45. She considered that the domestic courts had adopted a formalistic approach in treating her protest action as participation in an assembly. She concluded that the application of the Public Events Act and the CAO in her case had not been foreseeable, falling short of the "quality of law" requirement. Consequently, the interference with her rights under Articles 10 and 11 of the Convention was not "prescribed by law".

46. In any case, even if her hunger strike were to be considered a "public event", it was entirely peaceful, caused no disruption to traffic or the ordinary course of life, and concerned a matter of public interest, namely, torture in Russian penal facilities. The domestic courts focused on Ms Dianova's failure to comply with the notification requirement and failed to consider the public interest and individual rights. The fine of RUB 10,000 was a disproportionately severe sanction in light of her low income. In conclusion, the interference was not "necessary in a democratic society".

*(ii) Ms Sheveleva, Mr Mikhaylov, Mr Roslovtsev and Ms Zenyakina (applications nos. 13140/16, 13162/16, 20802/16 and 24703/16)*

47. Ms Sheveleva, Mr Mikhaylov, Mr Roslovtsev, and Ms Zenyakina argued that the interference with their rights was based on an arbitrary and unforeseeable interpretation of the Public Events Act by the police and domestic courts, which failed to meet the "quality of law" requirement. They submitted that the Government's observations and the examples of domestic court judgments confirmed that the provisions of the Public Events Act were

not "foreseeable". The applicants highlighted the ambiguity in the classification of events as "meetings", "demonstrations", "gatherings", and "static demonstrations". They argued that the gathering of six people in a public park on a Sunday evening did not constitute a "meeting" within the meaning of the Public Events Act and that they could not have foreseen that it would be classified as such.

48. The applicants also disputed the Government's statement that unidentified persons had contacted the police about their filmmaking. They contended that there was no evidence or materials in the administrative-offence proceedings to support this statement. Furthermore, the Government's allegation that their banners contained obscene words was unsubstantiated. They concluded that there was no pressing social need justifying the interference with their rights, and that the reasons given by the domestic courts were neither relevant nor sufficient.

**(b) The Government**

*(i) Application no. 21286/15*

49. The Government submitted that the protest action of Ms Dianova and Ms Z., namely positioning themselves with a banner and a tent across from the Sverdlovsk FSIN building, constituted a "static demonstration". Firstly, given that the primary objective of any static demonstration is "to draw public attention to a target or issue", the domestic courts correctly determined that Ms Dianova's and Ms Z.'s efforts to raise awareness about the conditions of detainees in IK-63 constituted a static demonstration requiring prior approval by the authorities. Secondly, it qualified as a "group demonstration" as it involved two individuals at the same location displaying a common banner. The Government noted that Ms Dianova, as a member of the Sverdlovsk ONK and human rights activist, was aware of the regulations governing public events, including the need for notification, and it was reasonable to anticipate that her hunger strike would be regarded as an "assembly".

50. The Government further contended that the hunger strike occurred in a public setting, with Ms Dianova and Ms Z. actively engaging with passers-by. On the evening of 11 August 2014, seven people were present at the site. Furthermore, Ms Dianova and Ms Z. had set up a tent. The Government justified the termination of the hunger strike on the grounds of a "pressing social need" due to the obstruction of pedestrian traffic and street cleaning vehicles for five days and the deterioration of Ms Z.'s health, which required calling an ambulance. Subsequently, administrative-offence proceedings were opened with the aim of preventing the commission of new offences by the offenders and by other persons. The authorities had tolerated the situation, and intervened when the women's health became a concern.

51. The Government concluded that there was no violation of Articles 10 and 11 of the Convention.

*(ii) Applications nos. 13140/16, 13162/16, 20802/16 and 24703/16*

52. The Government acknowledged that there had been an interference with the applicants' rights to freedom of expression and of assembly. They argued that the interference was lawful and "necessary in a democratic society".

53. They recalled that the Public Events Act has defined five forms of events (see paragraph 33 above). A demonstration or a march required participants to be on the move, while a static demonstration involved only "visual agitation", such as posters, banners, etc. The applicants' gathering, which had not been approved by the municipal authorities, aimed to express dissatisfaction with the President's policy, was classified as a "meeting" due to the political and social nature of their slogans. This was in breach of section 5 (5) of the Public Events Act.

54. The Public Events Act was accessible, clear and predictable, in line with the "quality of law" criteria. They provided several judgments holding individuals liable under Article 20.2 of the CAO in various contexts to support their arguments. The Government did not cite specific legitimate aim listed in the Convention, but justified the interference based on the applicants' breach of the Public Events Act and the police's duty to prevent offences.

55. The notification procedure was designed to ensure the smooth functioning of public infrastructure and transport, maintain public order and security, to prevent disorder and crime. It was deemed necessary to impose sanctions for violations of this procedure. The Government further argued that the applicants, as civic activists, should have been aware of the requirement to notify authorities about their gathering. The domestic courts have applied the Convention standards, basing their decisions on an acceptable assessment of the facts and imposing penalties that were proportionate to the aims pursued.

**(c) Third-party interveners**

56. Intervening in application no. 21286/15, the Institute for Law and Public Politics (ILPP), a non-governmental organisation based in Moscow specialising in strategic litigation in public interest cases, along with academic and publishing activities in constitutional and human rights justice, has submitted the following.

57. Firstly, Section 2 of the Public Events Act defines a public event as an open, peaceful action such as a gathering, meeting, or static demonstration, organised to express opinions on various societal and political issues. A static demonstration is defined as a stationary public expression of opinion that may employ visual aids but does not involve loudspeakers or movement. The CAO outlines the liabilities for breaches in the organisation or conduct of such events in Articles 20.2 and 20.2.2. Article 20.2 addresses gatherings that disrupt public order but manifest in forms other than those defined as public

events by the Public Events Act. The application of these articles by the courts is inconsistent. For example, cases under Article 20.2 of the CAO, such as someone taking a photo with a banner at a court's entrance or collecting signatures against the construction of a recycling plant, have been overturned or discontinued upon appeal. Meanwhile, Article 20.2.2 of the CAO has been applied to a diverse range of public activities, including the work of street artists and proselytising, as well as participation in flash mobs. In many cases, these activities have resulted in administrative penalties on the pretext that they obstructed pedestrians or access to public facilities. The ILPP has identified a lack of clear guidelines to determine what constitutes a "public event" and what, although occurring in public, does not qualify as one.

58. Furthermore, in Russian law, the concept of a hunger strike is specifically addressed within penitentiary legislation, where it is defined as a refusal to eat by a suspect, accused, or convicted person. However, recent judicial practice has extended the interpretation of hunger strikes to static demonstrations, leading to prosecutions under Article 20.2 § 5 of the CAO when such strikes are conducted outside of the penal context and deemed unauthorised public events.

59. The ILPP concluded that Russian legislative, administrative, and judicial practices do not clearly differentiate between public expressions that qualify as public events under the Public Events Act and thus fall under Article 11 of the Convention, and those that do not and fall solely under Article 10. Although Russian law recognises a distinction between types of public expression, as evidenced by Articles 20.2 and 20.2.2 of the CAO, the application of these articles is often lacking in clear reasoning, making it difficult to predict which legal provisions will be applied to similar forms of expression. Furthermore, the differentiation does not consistently consider issues of public order. Both articles mention obstacles to pedestrian and car circulation. In conclusion, the domestic application of these distinctions does not align with the criteria established by the Court in *Tatár and Fáber v. Hungary* (nos. 26005/08 and 26160/08, § 40, 12 June 2012), which emphasizes that not all public expressions constitute assemblies requiring prior notification, particularly when they are unlikely to disturb public order and are primarily communicative in nature.

### *2. The Court's assessment*

60. The Court observes at the outset that each of the five applicants was sanctioned under Article 20.2 § 5 of the CAO for participation in an unauthorised "public event" within the meaning of the Public Events Act. Before the Court, the applicants invoked both Articles 10 and 11 of the Convention.

**(a) Application no. 21286/15**

*(i) Scope of case*

61. The Court has emphasised that the freedom of assembly provided for in Article 11 is closely linked with the freedom of expression guaranteed by Article 10, as the protection of personal opinions, secured by the latter, is one of the objectives of freedom of peaceful assembly as enshrined in Article 11. Article 10 is to be regarded as a *lex generalis* in relation to Article 11, which is a *lex specialis*. One of the distinctive criteria noted by the Court is that in the exercise of the right to freedom of assembly the participants would be seeking not only to express their opinion, but to do so together with others (see *Navalnyy v. Russia* [GC], nos. 29580/12 and 4 others, § 101, 15 November 2018).

62. To avert the risk of a restrictive interpretation, the Court has refrained from formulating the notion of an assembly, which it regards as an autonomous concept, or exhaustively listing the criteria which would define it. It has specified in relevant cases that the right to freedom of assembly covered both private meetings and meetings in public places, whether static or in the form of a procession; in addition, it can be exercised by individual participants and by the persons organising the gathering (ibid, § 98).

63. The Court notes that Ms Dianova engaged in a five-day hunger strike in a public space to protest against the ill-treatment of detainees. She undertook this protest alongside Ms Z., with a third participant joining on the fifth day. Ms Dianova and Ms Z. engaged with the media and passers-by throughout their hunger strike. They communicated the reasons for their action, which was to show support for the victims and to protest against a lack of access to them (see paragraphs 9 and 43 above). Although Ms Dianova considered her hunger strike a solo demonstration, she never denied holding it alongside Ms Z. and subsequently being joined by Ms M. (see paragraphs 9-10 above). While the Court is not bound by the legal classification under Russian law of Ms Dianova's actions as participation in a group public event (see paragraph 15 above), it considers that in view of the nature of the applicant's conduct, it fell within the notion of "peaceful assembly" contained in Article 11 of the Convention (see, *mutatis mutandis*, *Navalnyy*, cited above, § 111, and *Obote v. Russia*, no. 58954/09, § 35, 19 November 2019).

64. The Court will therefore examine Ms Dianova's complaint in light of general principles applicable to freedom of peaceful assembly that have been summarised in *Kudrevičius and Others v. Lithuania* ([GC], no. 37553/05, §§ 142-48, ECHR 2015) and *Navalnyy* (cited above, §§ 98-103). Notwithstanding its autonomous role and particular sphere of application, Article 11 must also be considered in the light of Article 10, where the aim of the exercise of freedom of assembly is the expression of personal opinions,

as well as the need to secure a forum for public debate and the open expression of protest (ibid., § 102).

65. It is not in dispute that the actions by the police officers to put an end to Ms Dianova's hunger strike and the ensuing administrative sanctions constituted an interference with her right to freedom of peaceful assembly. It remains to be ascertained whether the interference was "prescribed by law", pursued one or more legitimate aims under paragraph 2 of Article 11, and was "necessary in a democratic society" for the achievement of the aim or aims in question (see *Kudrevičius and Others*, cited above, § 102).

*(ii) Whether the interference was prescribed by law*

66. The Court notes the ambiguity in the classification of various forms of public expression of opinion as public events under the Public Events Act, as submitted by Ms Dianova and the ILPP (see paragraphs 44, 57 and 59 above). As the Court has held in *Navalnyy* (cited above, § 117), the Public Events Act's provisions allowing for the termination of a public event due to non-compliance with the notification requirements are overly broad and raise concerns about their foreseeability. The legal framework allows executive authorities to define public events in a broad manner, enabling the police to end such events for non-compliance with the notification requirement, even in the absence of any nuisance (ibid, § 118).

67. The Court further notes that domestic law does not contain any provisions regarding hunger strikes by individuals other than in a penitentiary setting. The ILPP highlighted in their submissions that recent judicial practices have extended the concept of static demonstrations to include hunger strikes (see paragraph 58 above), a point which the Government did not dispute. By classifying Ms Dianova's protest as a "static demonstration", the domestic authorities brought the Public Events Act into play. Ms Dianova was convicted under Article 20.2 § 5 of the CAO for participating in a "group static demonstration" during night hours and without prior authorisation (see paragraph 17 above). Had Ms Dianova and Ms Z. perceived their hunger strike as a "static demonstration" and wanted to obtain a prior authorisation for it, the holding of public events was generally allowed under Russian law from 7 a.m. until 10 p.m. Such a ban on overnight public events effectively made it impossible for Ms Dianova to have her hunger strike authorised under domestic law. Considering that hunger strikes typically last for several days or even weeks, the interpretation adopted by the national authorities in the present case would appear to bar entirely the possibility of organising a hunger strike of any meaningful duration in a public space.

68. In light of the above, the Court has serious doubts that the manner of application of the Public Events Act in Ms Dianova's case was sufficiently foreseeable to meet the "lawfulness" requirement under Article 11 § 2 of the Convention. The categorical and formalistic application of the legal framework on "static demonstrations" to forms of protest such as hunger

strikes, coupled with the ambiguity surrounding the classification of public events, raises concerns about the quality of the law. The Court therefore doubts whether Ms Dianova could have reasonably foreseen the legal consequences of her actions, particularly that they could fall within the scope of the Public Events Act and result in her administrative conviction for its breach. However, given that a more conspicuous problem arises with respect to the necessity of the interference, the Court will not limit its examination under Article 11 in the present case to the lawfulness of the interference only (see, for a similar approach, *Kakabadze and Others v. Georgia*, no. 1484/07, § 86, 2 October 2012, and *Navalnyy*, cited above, § 119). The Court will also examine whether the discretion enjoyed by the authorities in this area was accompanied by adequate safeguards against arbitrary interferences.

*(iii) Whether the interference pursued a legitimate aim*

69. The Government argued that the termination of Ms Dianova's hunger strike and her conviction pursued the legitimate aims of preventing disorder and protecting the rights and freedoms of others (see paragraph 50 above). Given that Ms Dianova's protest was peaceful and caused minimal disruption (see paragraph 9 above), the Court questions whether any of the aims set out in Article 11 § 2 were pursued. However, the Court sees no need to reach a conclusion on this point, given that the interference was not "necessary in a democratic society" for the reasons set out below.

*(iv) Whether the interference was necessary in a democratic society*

70. The Court reiterates that while rules governing public assemblies, such as the system of prior notification, are essential for the smooth conduct of public demonstrations, since they allow the authorities to minimise the disruption to traffic and take other safety measures, their enforcement cannot become an end in itself. In particular, where demonstrators do not engage in acts of violence it is important for the public authorities to show a certain degree of tolerance towards peaceful gatherings if the freedom of assembly guaranteed by Article 11 of the Convention is not to be deprived of all substance (see *Bukta and Others v. Hungary*, no. 25691/04, § 34, ECHR 2007-III).

71. The Government put forward two reasons justifying ending the five-day hunger strike: obstruction of circulation and deterioration of Ms Z.'s health (see paragraph 50 above). However, the facts of the case indicate that Ms Dianova and Ms Z. positioned themselves near the stadium fence with their foldable beds, and later a tent, and that the pedestrian path was sufficiently wide to allow passage or cleaning of the road. Furthermore, even if the authorities were concerned about the health of Ms Z., this concern alone does not justify the termination of the protest (compare with *Cisse v. France*, no. 51346/99, § 48, ECHR 2002- III, where hunger-strikers who had been

taken by the police to hospitals for medical examinations could return to their protest site). In this case, there is no information before the Court indicating that Ms Dianova's health was at serious risk. Lastly, there is no evidence that the hunger strike exceeded the level of minor disturbance that is inherent to the normal exercise of the right to peaceful assembly in a public place (see *Laguna Guzman v. Spain*, no. 41462/17, § 52, 6 October 2020) nor did it become non-peaceful or violent, thereby calling for its dispersal (ibid., § 50). This already calls into question the Government's assertion about the necessity of terminating the hunger strike, as the authorities have not adduced relevant and sufficient reasons to justify it (see, *mutatis mutandis*, *Ibrahimov and Others v. Azerbaijan*, nos. 69234/11 and 2 others, § 80, 11 February 2016).

72. As to Ms Dianova's conviction, it was based on purely formal grounds: the classification of the hunger strike as a "static demonstration", for which no prior authorisation had been obtained and which took place after 10 p.m. Ms Dianova did not engage in any action that could have caused a public disturbance, and a maximum of seven people were present on the site at one point (see paragraph 50 above). Furthermore, the courts' decisions do not address the public interest aspect of Ms Dianova's actions, namely her efforts to draw attention to the use of torture in Russian penal facilities, while such questions of public interest enjoy privileged protection under the Convention (see *Magyar Helsinki Bizottság v. Hungary* [GC], no. 18030/11, § 163, 8 November 2016). The sanction provided by Article 20.2 § 5 of the CAO (fine of RUB 10,000 in the applicant's case), was criminal in nature and required a particular justification (see *Kudrevičius and Others*, cited above, § 146, and *Navalnyy*, cited above, §§ 79-80). The Court recalls that the freedom to take part in a peaceful assembly is of such importance that a person cannot be subject to a sanction – even one at the lower end of the scale – for participation in a demonstration which has not been prohibited, so long as that person does not himself commit any reprehensible act on such an occasion (see *Navalnyy*, § 145, and *Obote*, § 44, both cited above).

73. In light of the above, the Court finds that the reasons put forward by the Government for ending the hunger strike and convicting Ms Dianova did not correspond to a pressing social need and were not sufficient to justify the contested measures as "necessary in a democratic society". Accordingly, the Court finds that there has been a violation of Article 11 of the Convention in respect of Ms Dianova.

**(b) Applications nos. 13140/16, 13162/16, 20802/16 and 24703/16**

*(i) Scope of the case*

74. According to the Court's well-established case-law, freedom of expression is applicable not only to "information" or "ideas" that are favourably received or regarded as inoffensive or as a matter of indifference,

but also to those which offend, shock or disturb; such are the demands of pluralism, tolerance and broadmindedness, without which there is no "democratic society". Moreover, Article 10 of the Convention protects not only the substance of the ideas and information expressed but also the form in which they are conveyed (see *Oberschlick v. Austria* (no. 1), 23 May 1991, § 57, Series A no. 204).

75. At the same time, the protection of Article 10 extends beyond spoken or written words to include non-verbal means of expression and conduct (see *Karuyev v. Russia*, no. 4161/13, §§ 18 and 20, 18 January 2022, and examples cited therein). In deciding whether a certain act or conduct falls within the ambit of Article 10 of the Convention, the Court must consider the nature of the act or conduct in question, in particular its expressive character as seen from an objective point of view, and also the purpose or the intention of the person performing the act or carrying out the conduct in question (see *Murat Vural v. Turkey*, no. 9540/07, § 54, 21 October 2014).

76. The Court notes that on 19 July 2015 Ms Sheveleva, Mr Mikhaylov, Mr Roslovtsev and Ms Zenyakina, along with two other individuals, gathered in a secluded area of the park to make a political satirical film. The Government submitted that this gathering constituted a "meeting" within the meaning of the Public Events Act (see paragraph 53 above). The Court considers that, regardless of the authorities' characterisation, it constituted an act of expression, particularly since it involved only six persons and lasted a short time (see, *mutatis mutandis*, *Tatár and Fáber*, cited above, § 29). The choice of a remote location in the park further demonstrates their lack of intention to involve other participants in this event, and regardless of their subsequent plans, if any, to convey a political message through the film. This situation thus falls within the scope of Article 10 of the Convention, which protects satire as a form of artistic expression and social commentary, that, by its inherent features of exaggeration and distortion of reality, naturally aims to provoke and agitate (see *Vereinigung Bildender Künstler v. Austria*, no. 68354/01, § 33, 25 January 2007).

77. Accordingly, the Court will examine the applicants' complaints under Article 10, which will be interpreted in the light of Article 11 (see *Women On Waves and Others v. Portugal*, no. 31276/05, § 28, 3 February 2009, and *Taranenko v. Russia*, no. 19554/05, § 69, 15 May 2014).

78. It is not disputed that there was an interference with the applicants' right to freedom of expression. Such instances of interference will constitute a breach of Article 10 unless they are "prescribed by law", pursue one or more of the legitimate aims referred to in Article 10 § 2 and are "necessary in a democratic society" to achieve those aims (see *Karuyev*, cited above, § 20).

*(ii) Whether the interference was "prescribed by law"*

79. The expression "prescribed by law" in the second paragraph of Article 10 not only requires that the impugned measure should have a legal

basis in domestic law, but also refers to the quality of the law in question, which should be accessible to the person concerned and foreseeable as to its effects. The notion of "quality of the law" requires, as a corollary of the foreseeability test, that the law be compatible with the rule of law; it thus implies that there must be adequate safeguards in domestic law against arbitrary interferences by public authorities. As regards the requirement of foreseeability, the Court has repeatedly held that a norm cannot be regarded as a "law" within the meaning of Article 10 § 2 unless it is formulated with sufficient precision to enable a person to regulate his or her conduct. That person must be able – if need be with appropriate advice – to foresee, to a degree that is reasonable in the circumstances, the consequences which a given action may entail. Those consequences need not be foreseeable with absolute certainty. While certainty is desirable, it may bring in its train excessive rigidity, and the law must be able to keep pace with changing circumstances. Accordingly, many laws are inevitably couched in terms which, to a greater or lesser extent, are vague, and whose interpretation and application are questions of practice. It is primarily for the national authorities, notably the courts, to interpret and apply domestic law. The Court's task is not to review domestic law in the abstract but to determine whether the way in which it was applied to the applicant gave rise to a breach of the Convention (see *Magyar Kétfarkú Kutya Párt v. Hungary* [GC], no. 201/17, §§ 93-96, 20 January 2020, with further references).

80. The Court notes that the main controversy in this case is whether the Public Events Act was applicable to the making of a satirical film. If it were not, the applicants should not have been sanctioned for breaching the rules on holding a "public event" (see, for similar reasoning, *Obote*, cited above, § 37, and *Glukhin v. Russia*, no. 11519/20, § 54, 4 July 2023). In considering the actions of Ms Sheveleva, Mr Mikhaylov, Mr Roslovtsev and Ms Zenyakina as a "meeting", the domestic authorities invoked the Public Events Act, which requires prior authorisation of any public event through "notification". Failure to comply with this requirement may result in administrative sanctions (compare *Tatár and Fáber*, cited above, § 40). The Court will therefore assess whether the relevant provisions of the law were sufficiently "foreseeable as to their effects" in this case. In its analysis, the Court will consider the relevant findings made in *Navalnyy* (cited above, §§ 117-18).

81. The Court observes that a "meeting", as defined in the Public Events Act and applied by the domestic courts in the present case, refers to a mass gathering of persons for the purpose of public expression on issues of public concern (see paragraph 33 above). Applying the concept of "mass gathering" to a group of six individuals in a remote part of a public park engaged in film production fails to recognise the specific context and nature of such activity, which does not involve a public expression aimed at the general public in the same way as a rally or protest (see, e.g., the definition of an assembly by the Venice Commission in paragraph 37 above). The primary purpose of

filmmaking is creation of content, which may or may not be politically themed. In contrast to assemblies, where participants gather to directly communicate their message to an audience on-site, filmmaking is a preparatory activity with delayed communication of ideas to the public through the viewing of the finished film. The application of the notification rule to such a form of expression, in the same way as to assemblies, would create a prior restraint which is incompatible with the free communication of ideas and might undermine freedom of expression (compare *Tatár and Fáber*, cited above § 40). While conduct such as filmmaking in a public space may be reasonably subjected to content-neutral regulations (such as rules or conditions for the commercial use of public parks), these are distinct from regulation of assemblies and, in any event, no breach of such regulations has been invoked by the national authorities in the present case.

82. Furthermore, the applicants' action did not pose any apparent public order concerns (see paragraph 19 above). The authorities presented no evidence that the sanctioned behaviour caused or was likely to cause any public disturbances (see paragraphs 20 and 48 above). The domestic courts did not provide any factual basis for the termination of the activity and the applicants' conviction under Article 20.2 § 5 of the CAO other than a formal breach of the Public Events Act. However, in this instance, the peaceful artistic expression is not comparable to a potentially disruptive mass gathering that could warrant any security measures or preparations (see *Kudrevičius and Others*, cited above, § 147, and paragraph 55 above).

83. In light of the foregoing, the Court is not convinced that the application of the Public Events Act and of Article 20.2 § 5 of the CAO to the creators of a film was "foreseeable as to its effects". The broad definition of a "meeting" in section 2 of the Public Events Act allowed an expansive interpretation by domestic authorities. In fact, it would appear that anyone involved in public expressive conduct could potentially be sanctioned under the CAO, regardless of the nature of the conduct, the number of people involved, or its timing and location (see examples provided by the third-party intervener in paragraph 57 above). Accordingly, the Court finds that the legal ground of the interference with the applicants' right to freedom of expression did not meet the "quality of law" requirements.

84. There has therefore been a violation of Article 10 of the Convention in respect of Ms Sheveleva, Mr Mikhaylov, Mr Roslovtsev and Ms Zenyakina. That conclusion makes it unnecessary to examine whether the interferences pursued one or more of the legitimate aims listed in paragraph 2 of Article 10 and were "necessary in a democratic society" (see *Selahattin Demirtaş v. Turkey (no. 2)* [GC], no. 14305/17, § 282, 22 December 2020).

## IV. OTHER ALLEGED VIOLATIONS OF THE CONVENTION

85. Ms Sheveleva, Mr Mikhaylov, Mr Roslovtsev and Ms Zenyakina further complained that their apprehension and subsequent detention at the police station were in contravention of Article 5 § 1 of the Convention. Additionally, they asserted that their right to a fair trial as set forth in Article 6 § 1 had been violated, citing their absence from court hearings and the absence of a prosecuting party in these proceedings. Lastly, they alleged that they had had no effective domestic remedies in respect of the alleged violations of Articles 10 and 11, as required by Article 13 of the Convention.

86. The Court notes that the above complaints are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor are they inadmissible on any other grounds. Accordingly, they must be declared admissible. In light of its well-established case-law and having examined all the material before it, the Court finds a breach of the applicants' right to liberty under Article 5 § 1 of the Convention (see *Tsvetkova and Others v. Russia*, nos. 54381/08 and 5 others, §§ 117-31, 10 April 2018) and a breach of their right to a fair trial on account of the absence of a prosecuting party in the proceedings under the CAO (see *Karelin v. Russia*, no. 926/08, §§ 58-85, 20 September 2016).

87. The above findings render it unnecessary to examine the remaining complaints under Article 6 § 1 and Article 13 of the Convention (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

## V. APPLICATION OF ARTICLE 41 OF THE CONVENTION

88. 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."

### A. Damage

89. Ms Dianova claimed 190 euros (EUR) in respect of pecuniary damage, for the fine she had paid, and EUR 10,000 in respect of non-pecuniary damage. Ms Sheveleva, Mr Mikhaylov, Mr Roslovtsev and Ms Zenyakina each claimed EUR 20,000 in respect of non-pecuniary damage.

90. The Government did not comment on Ms Dianova's claims, and considered the rest of the claims to be excessive.

91. The Court considers that there is a direct causal link between the violation of Article 11 found and the fine Ms Dianova had paid following her conviction for the administrative offence (see *Lashmankin and Others*, cited

above, § 515). The Court therefore awards Ms Dianova EUR 190 in respect of pecuniary damage, plus any tax that may be chargeable.

92. The Court observes that it has found a violation of Article 11 in respect of Ms Dianova; and a violation of Articles 5, 6 and 10 of the Convention in respect of Ms Sheveleva, Mr Mikhaylov, Mr Roslovtsev and Ms Zenyakina. Having regard to the nature of the violations found and ruling on an equitable basis, the Court awards Ms Dianova EUR 7,500, and Ms Sheveleva, Mr Mikhaylov, Mr Roslovtsev and Ms Zenyakina EUR 9,750 each in respect of non-pecuniary damage, plus any tax that may be chargeable.

### B. Costs and expenses

93. The applicants requested the reimbursement of legal costs incurred at the national level and before the Court. Ms Dianova claimed EUR 2,000; Ms Sheveleva, Mr Mikhaylov and Ms Zenyakina claimed EUR 11,700 jointly, to be paid directly to the heir of late Mr O. Beznisko; and Mr Roslovtsev claimed EUR 21,300, to be paid directly to Mr N. Zborozhenko.

94. The Government did not comment on Ms Dianova's claims and considered the claims by the remaining applicants to be excessive.

95. Regard being had to the documents in its possession and its case-law, the Court considers it reasonable to award the following sums covering costs under all heads: the sum of EUR 2,000 is to be paid to Ms Dianova, and EUR 2,000 to Ms Sheveleva, Mr Mikhaylov, Mr Roslovtsev and Ms Zenyakina jointly, to be paid directly to the bank account of Mr N. Zboroshenko, plus any tax that may be chargeable to the applicants.

## FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;

2. *Holds* that it has jurisdiction to deal with the applicants' complaints, as they relate to facts that took place before 16 September 2022;

3. *Declares* the applications admissible;

4. *Holds* that there has been a violation of Article 11 of the Convention in respect of Ms Dianova;

5. *Holds* that there has been a violation of Article 10 of the Convention in respect of Ms Sheveleva, Mr Mikhaylov, Mr Roslovtsev and Ms Zenyakina;

6. *Holds* that there has been a violation of Articles 5 § 1 and 6 § 1 of the Convention in respect of Ms Sheveleva, Mr Mikhaylov, Mr Roslovtsev and Ms Zenyakina;

7. *Holds* that it is not necessary to examine the remainder of the complaints under Articles 6 § 1 and 13 of the Convention;

8. *Holds*

(a) that the respondent State is to pay the applicants, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts, to be converted into Russian roubles at the rate applicable at the date of settlement:

(i) EUR 190 (one hundred ninety euros) to Ms Dianova, plus any tax that may be chargeable, in respect of pecuniary damage;

(ii) in respect of non-pecuniary damage, plus any tax that may be chargeable:

- EUR 7,500 (seven thousand five hundred euros) to Ms Dianova;
- EUR 9,750 (nine thousand seven hundred and fifty euros) to Ms Sheveleva, Mr Mikhaylov, Mr Roslovtsev and Ms Zenyakina each;

(iii) in respect of costs and expenses, plus any tax that may be chargeable to the applicants:

- EUR 2,000 (two thousand euros) to Ms Dianova,
- EUR 2,000 (two thousand euros) jointly to Ms Sheveleva, Mr Mikhaylov, Mr Roslovtsev and Ms Zenyakina, to be paid directly to the bank account of Mr N. Zboroshenko, as indicated by the applicants;

(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;

9. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 10 September 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

| | |
|---|---|
| Olga Chernishova<br>Deputy Registrar | Pere Pastor Vilanova<br>President |

# APPENDIX

List of cases:

| No. | Application no. | Case name | Lodged on | Applicant<br>Year of Birth<br>Place of Residence<br>Nationality | Represented by |
|---|---|---|---|---|---|
| 1. | 21286/15 | Dianova<br>v. Russia | 21/04/2015 | **Olga Ivanovna DIANOVA**<br>1953<br>Yekaterinburg<br>Russian | Olga Vladimirovna TIMIREVA |
| 2. | 13140/16 | Sheveleva<br>v. Russia | 29/02/2016 | **Anastasiya Mikhaylovna SHEVELEVA**<br>1991<br>Moscow<br>Russian | Initially represented by the late Mr Oleg Dmitriyevich BEZNISKO, subsequently by Nikolay Sergeyevich ZBOROSHENKO |
| 3. | 13162/16 | Mikhaylov<br>v. Russia | 29/02/2016 | **Leonid Yuryevich MIKHAYLOV**<br>1962<br>Moscow<br>Russian | Nikolay Sergeyevich ZBOROSHENKO |

| No. | Application no. | Case name | Lodged on | Applicant<br>Year of Birth<br>Place of Residence<br>Nationality | Represented by |
|---|---|---|---|---|---|
| 4. | 20802/16 | Roslovtsev v. Russia | 05/04/2016 | **Roman Petrovich ROSLOVTSEV**<br>1979<br>Moscow<br>Russian | Initially represented by the late Mr Oleg Dmitriyevich BEZNISKO, subsequently by Nikolay Sergeyevich ZBOROSHENKO |
| 5. | 24703/16 | Zenyakina v. Russia | 18/04/2016 | **Valeriya Aleksandrovna ZENYAKINA**<br>1989<br>Novomoskovsk<br>Russian | Initially represented by the late Mr Oleg Dmitriyevich BEZNISKO, subsequently by Nikolay Sergeyevich ZBOROSHENKO |