THIRD SECTION

CASE OF SVAROVSKIY AND OTHERS v. RUSSIA

(Applications nos. 47800/14 and 2 others – see appended list)

JUDGMENT

STRASBOURG

6 October 2020

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

In the case of Svarovskiy and Others v. Russia,

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

 Helen Keller, *President,* María Elósegui, Ana Maria Guerra Martins, *judges,*
and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the applications (nos. 47800/14, 67936/14 and 68196/14) 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 twelve Russian nationals (“the applicants”), on the various dates indicated in the Appendix;

the decision to give notice of the applications to the Russian Government (“the Government”);

the parties’ observations;

Having deliberated in private on 15 September 2020,

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

INTRODUCTION

1.  On 24 February 2014 the applicants participated in a spontaneous gathering in front of the Zamoskvoretskiy District Court of Moscow where they came to attend a public hearing involving activists who were on trial in relation to mass disorders at Bolotnaya Square in Moscow on 6 May 2012. They were arrested during the gathering and convicted of administrative offences.

1. THE FACTS

2.  The applicants’ details are set out in the appended table. The applicants were represented before the Court by Mr A. Savelyev, a lawyer practising in Domodedovo (no. 47800/14), the lawyers of the Memorial Human Rights Centre and the European Human Rights Advocacy Centre (EHRAC) (no. 67936/14), and Mr N. Zboroshenko, a lawyer practising in Moscow (no. 68196/14).

3.  The Russian Government (“the Government”) were represented initially by Mr G. Matyushkin, Representative of the Russian Federation to the European Court of Human Rights, and then by his successor in that office, Mr M. Galperin.

4.  The facts of the case, as submitted by the parties, may be summarised as follows.

5.  On the morning of 24 February 2014 the applicants among some 150 people came to the Zamoskvoretskiy District Court of Moscow to attend the public delivery of the judgment in the criminal case concerning mass disorders at Bolotnaya Square in Moscow on 6 May 2012. However, the court-house was cordoned off by the police and the applicants could not enter. They remained outside among other members of the public aspiring to attend the hearing, thus forming a gathering (for more details about the gathering see *Navalnyy v. Russia* [GC], nos. 29580/12 and 4 others, §§ 35‑42, 15 November 2018). At different times the applicants were arrested and transferred to a police station.

6.  Details as regards the administrative proceedings against each applicant are outlined in the Appendix.

1. RELEVANT LEGAL FRAMEWORK

7.  Article 20.2 § 5 of the Code of Administrative Offences (CAO) provides that violation by a participant in a public event of the established procedure for conducting a public event is punishable with a fine of 10,000 to 20,000 roubles (RUB) or up to forty hours of community work.

8.  For a summary of other relevant domestic provisions see *Navalnyy v. Russia* [GC] (cited above, §§ 46-47); *Lashmankin and Others v. Russia* (nos. 57818/09 and 14 others, §§ 223 and 226, 7 February 2017); and *Korneyeva v. Russia* (no. 72051/17, §§ 22-26, 8 October 2019).

9.  The domestic legal provisions governing administrative transfer (escorting) and detention are also set out in the case of *Butkevich v. Russia* (see no. 5865/07, §§ 33-36, 13 February 2018).

10.  According to Article 31.9 of the Code of Administrative Offences, if a decision imposing an administrative punishment is not enforced during two years from its entry into force, it can no longer be executed. The time when enforcement of such a decision is suspended or stayed is excluded from the aforementioned period.

1. THE LAW
	1. JOINDER OF THE APPLICATIONS

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

* 1. ALLEGED VIOLATION OF ARTICLE 11 OF THE CONVENTION

12.  The applicants complained of disproportionate measures taken against them as participants of a peaceful public assembly, namely their arrest followed by their transfer to the police station and conviction for administrative offences. They relied on Articles 10 and 11 of the Convention. However, this falls to be examined under Article 11, which reads as follows:

“1.  Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

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. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.”

13.  The Court refers to its finding that the gathering in question fell within the scope of Article 11 of the Convention (see *Navalnyy v. Russia* [GC], nos. 29580/12 and 4 others, §§ 110-12, 15 November 2018). It considers that in the present case the applicants’ intentions and conduct were also covered by the notion of peaceful assembly, including those of Ms Polyakova who claimed that she was acting as an observer for a group of human rights defender organisations. It finds that the applicants’ arrests, transfer to the police station and the ensuing sanctions constituted an interference with the right to freedom of peaceful assembly under Article 11 § 2.

14.  The Government submitted that the gathering in the present case had not been a spontaneous one because the date of the public hearing had been set in advance and many activists had publically expressed their intention to attend it. They pointed out that the applicants in the present case had been convicted under Articles 19.3 § 1 (failure to comply with a lawful order of an official in connection with the exercise of his duties) and 20.2 § 5 (violation by a participant of the procedure for a public event) of the Code of Administrative Offences (“the CAO”) with reference to the failure to notify the authorities of the public gathering in accordance with the procedure prescribed by sections 5 and 7 of the Public Events Act.

15.  It follows that the applicants were arrested, transferred to the police station and charged with administrative offences for the sole reason that their gathering as such had not been authorised.

16.  The Court refers to the principles established in its case-law regarding freedom of assembly (see *Kudrevičius* *and Others v. Lithuania* [GC], no. 37553/05, ECHR 2015, with further references) and proportionality of interference with it (see *Oya Ataman v. Turkey*, no. 74552/01, ECHR 2006‑XIV, and *Hyde Park and Others v. Moldova*, no. 33482/06, 31 March 2009).

17.  In the leading cases (see, for example, *Frumkin v. Russia*, no. 74568/12, 5 January 2016; *Navalnyy and Yashin* *v. Russia*, no. 76204/11, 4 December 2014; and *Kasparov and Others v. Russia*, no. 21613/07, 3 October 2013), the Court already found a violation in respect of issues similar to those in the present case.

18.  Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion as to the admissibility and merits of these complaints. Having regard to its case-law on the subject, the Court considers that in the instant case the measures applied to the applicants as peaceful participants in the public assembly did not correspond to a pressing social need and were thus not necessary in a democratic society.

19.  These complaints are therefore admissible and disclose a breach of Article 11 of the Convention.

* 1. OTHER ALLEGED VIOLATIONS UNDER WELL-ESTABLISHED CASE LAW

20.  The applicants submitted other complaints which also raised issues under Articles 5 and 6 of the Convention, and Article 4 of Protocol No. 7 to the Convention, given the relevant well‑established case-law of the Court. These complaints are neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. They must therefore be declared admissible.

21.  Having examined all the material before it, the Court concludes that these remaining complaints also disclose violations of Articles 5 and 6 of the Convention and of Article 4 of Protocol No. 7 to the Convention, as indicated in the appended table, in the light of its findings in *Vyerentsov v. Ukraine* (no. 20372/11, §§ 81-83, 11 April 2013); *Karelin v. Russia* (no. 926/08, §§ 60-84, 20 September 2016); *Lashmankin and Others v. Russia* (nos. 57818/09 and 14 others, §§ 486‑92, 7 February 2017); and *Korneyeva v. Russia* (no. 72051/17, §§ 58-65, 8 October 2019).

22.  As regards Article 5 § 1, the finding of a violation relates to the arbitrary character of the applicants’ arrests on 24 February 2014. Having reached this conclusion, in the circumstances of this case the Court does not consider it necessary to examine some of the applicants’ allegations that their detention on that day exceeded the statutory limit of three hours (see the appended table).

23.  As regards Article 6 § 1, the complaints relying on this provision disclose a violation of the impartiality requirement on account of the absence of a prosecuting party (see the appended table). As regards Ms Polyakova’s complaint about the first set of administrative proceedings being conducted in her and her lawyer’s absence, the Court notes that they were absent in both instances because of the courts’ administrative errors; moreover, the judges did not verify whether the nature of the charges called for the defendant’s personal testimony and whether her attendance was essential to ensure the overall fairness of the proceedings. She was thus deprived of the opportunity to present her case effectively, in breach of Article 6 § 1 of the Convention (see, *mutatis mutandis*, *Gankin and Others v. Russia*, nos. 2430/06 and 3 others, § 42, 31 May 2016, and *Igranov and Others v. Russia*, nos. 42399/13 and 8 others, § 35, 20 March 2018).

24.  The Court notes that many of the applicants also complained under Article 6 § 1 about their convictions being based exclusively on the evidence submitted by the police officers and/or under Article 6 § 3 (d) of the Convention about their alleged inability to cross-examine the police officers on whose written statements their conviction was based. The Court considers that as it has already concluded that the administrative proceedings, taken as a whole, were conducted in violation of the right to a fair hearing, it is not necessary to address the remainder of the applicants’ complaints under Article 6 §§ 1 and 3 (d) of the Convention (see *Frumkin,* cited above, § 168).

* 1. APPLICATION OF ARTICLE 41 OF THE CONVENTION

25.  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.”

* + 1. Damage

26.  The applicants in application no. 67936/14 requested non‑pecuniary damages in the amount to be determined by the Court. Mr Svarovskiy claimed 20,000 euros (EUR), and Ms Polyakova claimed EUR 30,000 under this head.

27.  As regards pecuniary damage, some of the applicants claimed the amounts of the administrative fines paid by them (see the appended table). Other applicants did not submit any pecuniary damage claims because they did not pay the fines. They requested the Court to find that any attempt to enforce the domestic decisions ordering them to pay the fines would violate Article 11 of the Convention.

28.  The Government contested the claims in respect of non-pecuniary damage as unfounded. They submitted that the amounts specified in two applications were excessive, while the claim for an unspecified amount should be dismissed as having been formulated *in abstracto*. In any event, no compensation should be granted, as there had been no violation of the applicant’s rights. They contested the claims in respect of pecuniary damage on the grounds that the fines in question had been lawfully imposed and, in some cases, had not been actually paid.

29.  Having regard to the parties’ submissions and to its case‑law concerning violations of Article 11 on account of arbitrary arrests at peaceful assemblies, the Court considers it reasonable to award the applicants EUR 5,000 each in respect of non-pecuniary damage and the amounts indicated in the appended table in respect of pecuniary damage.

30.  As regards the applicants who submitted that they had not paid the fines the Court notes that a decision ordering an administrative punishment is enforceable during two years from the time when the decision became final (see above). This period would normally have expired in 2016 in respect of the applicants concerned. In the absence of any information as to enforcement of the relevant domestic decisions and, in particular, stay or suspension of their enforcement, the Court assumes that the decisions will not be enforced.

* + 1. Costs and expenses

31.  The applicant in application no. 47800/14 claimed EUR 5,650 for costs and expenses including legal fees incurred in the domestic proceedings and before the Court set out in the legal services agreement and the itemised invoice, and postal expenses.

32.  The applicants in application no. 67936/14 claimed the following amounts in respect of total costs and expenses, including legal fees incurred by the ten applicants in the domestic proceedings and before the Court, the administrative expenses and the translation costs, itemised in the documents they have submitted: EUR 20,180 and 1,865 pounds sterling (GBP, approximately EUR 2,100), payable to the applicants’ representatives.

33.  The applicant in application no. 68196/14 claimed EUR 20,700 for costs and expenses including legal fees incurred in the domestic proceedings and before the Court set out in the itemised schedule, and postal expenses. She requested this amount to be paid to the account of her representative.

34.  The Government submitted that these claims in respect of legal fees were not sufficiently detailed and were not supported by relevant documents. They also contested them as excessive.

35.  According to the Court’s case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these have been actually and necessarily incurred and are reasonable as to quantum. Regard being had to the documents in its possession, the number of represented applicants, to its case-law and the repetitive nature of the legal issues examined in this case, the Court considers it reasonable to award the following amounts, plus any tax that may be chargeable to the applicants: EUR 1,700 to each applicant in applications nos. 47800/14 and 68196/14 (representing EUR 850 in respect costs and expenses incurred in the domestic proceedings plus EUR 850 for representation before the Court); and EUR 9,350 in application no. 67936/14 (representing the joint award of EUR 8,500 in respect costs and expenses incurred by ten applicants in the domestic proceedings plus EUR 850 for their joint representation before the Court). In respect of applications nos. 67936/14 and 68196/14 these awards are to be paid into the representatives’ bank accounts, as requested by the applicants.

* + 1. Default interest

36.  The Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

1. FOR THESE REASONS, THE COURT, UNANIMOUSLY,
2. *Decides* to join the applications;
3. *Declares* the applications admissible;
4. *Holds* that there has been a violation of Article 11 of the Convention in respect of all applicants;
5. *Holds* that there has been a violation of Articles 5 and 6 of the Convention and of Article 4 of Protocol No. 7 to the Convention as regards the other complaints raised under the well‑established case-law of the Court (see the appended table);
6. *Holds* that there is no need to examine the complaints under Article 5 § 1 of the Convention concerning deprivation of liberty in excess of three hours and the complaints under Article 6 §§ 1 and 3 (d) of the Convention concerning the assessment of evidence and cross‑examination of certain witnesses (see the appended table);
7. *Holds*
	1. that the respondent State is to pay the applicants, within three months, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement, except in relation to the payment of costs and expenses payable to EHRAC, which are to be paid in euros:
		1. the amounts indicated in the appended table, plus any tax that may be chargeable, in respect of pecuniary damage;
		2. EUR 5,000 (five thousand euros) to each of the applicants, plus any tax that may be chargeable, in respect of non-pecuniary damage;
		3. the following amounts, plus any tax that may be chargeable to the applicants, in respect of costs and expenses:

- EUR 1,700 (one thousand seven hundred euros) to the applicant in application no. 47800/14;

- EUR 9,350 (nine thousand three hundred and fifty euros) jointly to the applicants in application no. 67936/14, payable to the applicants’ representatives, as indicated by the applicants;

- EUR 1,700 (one thousand seven hundred euros) to the applicant in application no. 68196/14, payable to the applicant’s representative, as indicated by the applicant;

* 1. 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;
1. *Dismisses* the remainder of the claims for just satisfaction.

Done in English, and notified in writing on 6 October 2020, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova Helen Keller
 Deputy Registrar President

**APPENDIX**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| No. | Applicationno. and date of introduction | Applicant namedate of birthplace of residencenationality | Charge and penalty | Final domestic decision details | Other complaints under well-established case-law(i) admissible and disclosing a violation(ii) not necessary to examine | Amount awarded for pecuniary damage per applicant (in euros) |
|  | **47800/14**19/06/2014 | **Yevgeniy Igorevich SVAROVSKIY**1971MoscowRussian, American | Article 20.2 § 5 of the CAOAdministrative fine RUB 10,000 | Appeal decision Moscow City Court 14/05/2014 | **(i) Art. 5 § 1** – unlawful deprivation of liberty: arrest and transfer to the police station for the purpose of drawing up a record of administrative offence (see *Lashmankin and Others v. Russia*, nos. 57818/09 and 14 others, §§  486‑92, 7 February 2017);**Art. 6 § 1 –** lack of impartiality of tribunal: absence of a prosecuting party in the administrative proceedings (see *Karelin v. Russia*, no. 926/08, 20 September 2016).**(ii)** **Art. 6 § 1** – the courts based their findings exclusively on the evidence submitted by the police officers and dismissed the applicant’s statements and his evidence;**Art. 6 § 3 (d)** – the courts refused to call the police officers who had arrested the applicant. | EUR 202 (two hundred and two euros) |
|  | **67936/14**14/10/2014 | **Zoya Nikolayevna ANDREYEVA**1989MoscowRussian | Article 20.2 § 5 of the CAOAdministrative fine RUB 10,000 | Appeal decision Moscow City Court 04/06/2014 | **(i) Art. 5 § 1** – unlawful deprivation of liberty: arrest and transfer to the police station for the purpose of drawing up a record of administrative offence (see *Lashmankin and Others v. Russia*, nos. 57818/09 and 14 others, §§  486‑92, 7 February 2017);**Art. 6 § 1 –** lack of impartiality of tribunal: absence of a prosecuting party in the administrative proceedings (see *Karelin v. Russia*, no. 926/08, 20 September 2016).**(ii) Art. 6 § 3 (d)** – the courts refused to call the police officers who had arrested the applicant. | Not claimed |
| **Oleg Petrovich ORLOV**1953MoscowRussian | Article 20.2 § 5 of the CAOAdministrative fine RUB 10,000 | Appeal decision Moscow City Court 12/05/2014 | **(i) Art. 5 § 1** – unlawful deprivation of liberty: arrest and transfer to the police station for the purpose of drawing up a record of administrative offence (see *Lashmankin and Others v. Russia*, nos. 57818/09 and 14 others, §§  486‑92, 7 February 2017);**Art. 6 § 1 –** lack of impartiality of tribunal: absence of a prosecuting party in the administrative proceedings (see *Karelin v. Russia*, no. 926/08, 20 September 2016).**(ii) Art. 6 § 3 (d)** – the courts refused to call the police officers who had arrested the applicant.  | EUR 202 (two hundred and two euros) |
| **Moteyus Tomasevich CHEPAYTIS**1979Moscow**Russian** | Article 20.2 § 5 of the CAOAdministrative fine RUB 10,000 | Appeal decision Moscow City Court 04/06/2014 | **(i) Art. 5 § 1** – unlawful deprivation of liberty: arrest and transfer to the police station for the purpose of drawing up a record of administrative offence (see *Lashmankin and Others v. Russia*, nos. 57818/09 and 14 others, §§  486‑92, 7 February 2017);**Art. 6 § 1 –** lack of impartiality of tribunal: absence of a prosecuting party in the administrative proceedings (see *Karelin v. Russia*, no. 926/08, 20 September 2016). | Not claimed |
| **Mikhail Olegovich GARDER**1986Petrozavodsk**Russian** | Article 20.2 § 5 of the CAOAdministrative fine RUB 10,000 | Appeal decision Moscow City Court 14/05/2014 | **(i) Art. 5 § 1** – unlawful deprivation of liberty: arrest and transfer to the police station for the purpose of drawing up a record of administrative offence (see *Lashmankin and Others v. Russia*, nos. 57818/09 and 14 others, §§  486‑92, 7 February 2017);**Art. 6 § 1 –** lack of impartiality of tribunal: absence of a prosecuting party in the administrative proceedings (see *Karelin v. Russia*, no. 926/08, 20 September 2016).**(ii) Art. 6 § 3 (d)** – the courts refused to call the police officers who had arrested the applicant. | Not claimed |
| **Anna Yuryevna GLUKHOVA**1972St Petersburg**Russian** | Article 20.2 § 5 of the CAOAdministrative fine RUB 10,000 | Appeal decision Moscow City Court 10/06/2014 | **(i) Art. 5 § 1** – unlawful deprivation of liberty: arrest and transfer to the police station for the purpose of drawing up a record of administrative offence (see *Lashmankin and Others v. Russia*, nos. 57818/09 and 14 others, §§  486‑92, 7 February 2017);**Art. 6 § 1 –** lack of impartiality of tribunal: absence of a prosecuting party in the administrative proceedings (see *Karelin v. Russia*, no. 926/08, 20 September 2016). | EUR 202 (two hundred and two euros) |
| **Veronika Anatolyevna KIRYANOVA**1986Moscow**Russian** | Article 20.2 § 5 of the CAOAdministrative fine RUB 10,000Article 19.3 § 1 of the CAO Administrative fine RUB 500 | Appeal decision Moscow City Court 28/05/2014Appeal decision Moscow City Court 12/05/2014 | **(i) Art. 5 § 1** – unlawful deprivation of liberty: arrest and transfer to the police station for the purpose of drawing up a record of administrative offence (see *Lashmankin and Others v. Russia*, nos. 57818/09 and 14 others, §§  486‑92, 7 February 2017);**Art. 6 § 1 –** lack of impartiality of tribunal: absence of a prosecuting party in the administrative proceedings (see *Karelin v. Russia*, no. 926/08, 20 September 2016).**Art. 4 Prot. 7** – punished twice for the same conduct. *Korneyeva v.* *Russia* (no. 72051/17, §§ 58-65, 8 October 2019).**(ii) Art. 5 § 1** – unlawful detention at the police station for 5  hours. | EUR 215 (two hundred and fifteen euros) |
| **Mariya Sergeyevna KOKOVKINA**1979Moscow**Russian** | Article 20.2 § 5 of the CAO Administrative fine RUB 5,000Article 19.3 § 1 of the CAO Administrative fine RUB 500 | Appeal decision Moscow City Court 02/06/2014Appeal decision Moscow City Court 02/06/2014 | **(i) Art. 5 § 1** – unlawful deprivation of liberty: arrest and transfer to the police station for the purpose of drawing up a record of administrative offence (see *Lashmankin and Others v. Russia*, nos. 57818/09 and 14 others, §§  486‑92, 7 February 2017);**Art. 6 § 1 –** lack of impartiality of tribunal: absence of a prosecuting party in the administrative proceedings (see *Karelin v. Russia*, no. 926/08, 20 September 2016).**(ii) Art. 5 § 1** – unlawful detention at the police station for 4  hours. | EUR 215 (two hundred and fifteen euros) |
| **Karina Anatolyevna KOTOVA**1978Moscow**Russian** | Article 20.2 § 5 of the CAOAdministrative fine RUB 10,000 | Appeal decision Moscow City Court 28/04/2014 | **(i) Art. 5 § 1** – unlawful deprivation of liberty: arrest and transfer to the police station for the purpose of drawing up a record of administrative offence (see *Lashmankin and Others v. Russia*, nos. 57818/09 and 14 others, §§  486‑92, 7 February 2017);**Art. 6 § 1 –** lack of impartiality of tribunal: absence of a prosecuting party in the administrative proceedings (see *Karelin v. Russia*, no. 926/08, 20 September 2016).**(ii) Art. 6 § 3 (d)** – the courts refused to call the police officers who had arrested the applicant.  |  |
| **Dmitriy Vladislavovich NESTEROV**1977Moscow**Russian** | Article 20.2 § 5 of the CAOAdministrative fine RUB 10,000Article 19.3 § 1 of the CAO Administrative fine RUB 500 | Appeal decision Moscow City Court 14/04/2014Appeal decision Moscow City Court 14/04/2014 | **(i) Art. 5 § 1** – unlawful deprivation of liberty: arrest and transfer to the police station for the purpose of drawing up a record of administrative offence (see *Lashmankin and Others v. Russia*, nos. 57818/09 and 14 others, §§  486‑92, 7 February 2017);**Art. 6 § 1 –** lack of impartiality of tribunal: absence of a prosecuting party in the administrative proceedings (see *Karelin v. Russia*, no. 926/08, 20 September 2016).**(ii) Art. 6 § 3 (d)** – the courts refused to call the police officers who had arrested the applicant as regards the proceedings under Article 19.3 § 1 of the CAO. | EUR 215 (two hundred and fifteen euros) |
| **Dmitriy Valeryevich VINOGRADOV**1983Moscow**Russian** | Article 20.2 § 5 of the CAOAdministrative fine RUB 10,000Article 19.3 § 1 of the CAOAdministrative fine RUB 500 | Appeal decision Moscow City Court 06/06/2014Appeal decision Moscow City Court 16/06/2014 | **(i) Art. 5 § 1** – unlawful deprivation of liberty: arrest and transfer to the police station for the purpose of drawing up a record of administrative offence (see *Lashmankin and Others v. Russia*, nos.  57818/09 and 14 others, §§  486‑92, 7 February 2017);**Art. 6 § 1 –** lack of impartiality of tribunal: absence of a prosecuting party in the administrative proceedings (see *Karelin v. Russia*, no. 926/08, 20 September 2016);**Art. 4 Prot. 7** – punished twice for the same conduct *Korneyeva v. Russia* (no. 72051/17, §§ 58-65, 8 October 2019).**(ii) Art. 5 § 1** – unlawful detention at the police station for 4  hours;**Art. 6 § 3 (d)** – the courts refused to call the police officers who had arrested the applicant, as regards both sets of administrative proceedings against the applicant. | EUR 215 (two hundred and fifteen euros) |
|  | **68196/14**29/09/2014 | **Tarya Nikolayevna POLYAKOVA**1985MoscowRussian | Article 20.2 § 5 of the CAOAdministrative fine RUB 11,000Article 19.3 § 1 of the CAOAdministrative fine RUB,500 | Appeal decision 02/04/2014 Moscow City CourtAppeal decision 08/09/2014 Moscow City Court | **(i) Art. 5 § 1** – unlawful deprivation of liberty: arrest and transfer to the police station for the purpose of drawing up a record of administrative offence (see *Lashmankin and Others v. Russia*, nos. 57818/09 and 14 others, §§  486‑92, 7 February 2017);**Art. 6 § 1** lack of impartiality of tribunal: absence of a prosecuting party in both sets of administrative proceedings (see *Karelin v. Russia*, no. 926/08, 20 September 2016);**Art. 6 § 1** (first set of proceedings: Art. 20.2 § 5) – absence of the applicant and her lawyer: the first-instance judge did not receive her request for adjournment because of the clerical error within the court; and the appeal hearing took place in a different room than the one indicated in the schedule of which the applicant and her lawyer were not informed (see *Gankin and Others v. Russia*, nos. 2430/06 and 3 others, § 42, 31 May 2016, and *Igranov and Others v. Russia*, nos. 42399/13 and 8 others, § 35, 20 March 2018).**(ii) Art. 6 § 3 (d)** – the courts refused to call the police officers who had arrested the applicant in both sets of proceedings. | Not claimed |