THIRD SECTION

CASE OF DUBROVINA AND OTHERS v. RUSSIA

(Application no. 31333/07)

JUDGMENT

STRASBOURG

25 February 2020

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

In the case of Dubrovina and Others v. Russia,

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

 Paulo Pinto de Albuquerque, *President,* Helen Keller, María Elósegui, *judges,*
and Stephen Phillips, *Section Registrar,*

Having deliberated in private on 28 January 2020,

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

1. PROCEDURE

1.  The case originated in an application (no. 31333/07) 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 four Russian nationals, Ms Marina Alekseyevna Dubrovina (“the first applicant”), Mr Vadim Yevgenyevich Karastelev (“the second applicant”), Ms Tamara Viktorovna Karasteleva (“the third applicant”) and Mr Vladimir Fedorovich Pyankov (“the fourth applicant”; collectively – “the applicants”), on 11 July 2007.

2.  The applicants were represented by lawyers from two non‑governmental organisations, the Memorial Human Rights Centre, based in Moscow, and the European Human Rights Advocacy Centre (“EHRAC”), based in London. The Russian Government (“the Government”) were represented initially by Mr G. Matyushkin, the former Representative of the Russian Federation to the European Court of Human Rights, and then by his successor in that office, Mr M. Galperin, and Mr A. Fedorov, Head of the Office of the Representative of the Russian Federation to the European Court of Human Rights.

3.  On 3 December 2011 the third applicant, Ms Karasteleva, died. Her spouse, who is also the second applicant in this case, expressed the wish to pursue the proceedings in her stead. Subsequently, her son, Mr Dmitriy Karastelev expressed the wish to continue the application in her name, and the second applicant withdrew his earlier request.

4.  On 29 September 2016 notice of the complaints concerning the alleged breach of the applicants’ right to freedom of peaceful assembly was given to the Government and the remainder of the application was declared inadmissible pursuant to Rule 54 § 3 of the Rules of Court.

1. THE FACTS

I.  THE CIRCUMSTANCES OF THE CASE

5.  The applicants were born in 1965, 1965, 1967 and 1948 respectively, and at the material time lived in Novorossiysk.

6.  The applicants, who were human rights activists, had participated since 2003 in the work of a charity and human rights organisation FRODO in the Krasnodar Region. Its goal was to combat intolerance of and discrimination against ethnic minorities in the region. One of its key activities was the organisation of a game of “tolerant football” with the participation of children belonging to different ethnic groups in Novorossiysk.

7.  In 2006 the second applicant received an email from Mr S.G., a former Russian citizen residing in Germany. He expressed his interest in the concept of “tolerant football” and asked to meet the second applicant to discuss it. They met on 23 January 2007 at 11 a.m. in the local art school (“the Art School”), as its director, Mr V.S., had been a member of FRODO since its foundation, and proposed the use of the school’s premises for the meeting as FRODO had no offices. The other meeting attendees were six members of FRODO (including the applicants), Mr S.G. and Mr R.K. from Germany, an interpreter and three university students. In total, there were twelve participants at the meeting.

8.  At around 1 p.m. about fifteen police officers and representatives of the migration service entered the meeting room and found the meeting participants having tea and cake. According to the applicants, a further twenty armed police officers surrounded the school building, but the Government contested that information as unconfirmed. The police officers requested those present in the room to show their identity documents, which they did. The police officers demanded an explanation as regards the event, but the members of “Frodo” refused to give any as no charges had been brought against them.

9.  The police officers remained in the meeting room until officials from the Department of Culture and the Department of Cooperation with Public Organisations and Monitoring of Migration of Novorossiysk arrived. The officials requested the participants to leave the room as no notification of a public event had been sent to the Department of Culture. The participants refused on the grounds that their meeting was not public and therefore did not require notification. A few minutes later the director of the Art School informed the participants that a lesson was about to start in the meeting room and they left.

10.  On 30 January 2007 the justice of the peace of the 81st judicial circuit of the Central District of Novorossiysk examined an administrative case brought against the first applicant. She held that the meeting in the Art School had been a gathering – a public event aimed at expressing opinions on various issues. Therefore, its organiser should have notified the regional authorities of the meeting. The justice of the peace found the first applicant guilty of participation in an unauthorised public event, an offence under Article 20.2 § 2 of the Code of Administrative Offences, and sentenced her to a fine of 500 Russian roubles (RUB). That judgment was upheld on 12 March 2007 by the Oktyabrskiy District Court of Novorossiysk.

11.  On 2 February 2007 the justice of the peace of the 81st judicial circuit of the Central District of Novorossiysk examined administrative cases brought against the second and the third applicants. She held that they had both organised a public event, namely a gathering of ten participants, without notifying the regional authorities. The justice of the peace found the applicants guilty under Article 20.2 § 2 of the Code of Administrative Offences and sentenced them to fines of RUB 2,000 each. On 20 February and 2 March 2007 the Oktyabrskiy District Court of Novorossiysk examined appeals lodged by the second and third applicants respectively, *inter alia* on the grounds that the gathering had been a private one. It upheld the first-instance court’s finding that the gathering on 23 January 2007 had been a public event that was subject to the requirement of notification of the authorities, but reclassified the offence as falling under Article 20.2 § 1 of the Code, reducing the fines to RUB 1,000 in respect of the second applicant and RUB 1,500 in respect of the third applicant.

12.  On 9 February 2007 the justice of the peace of the 81st judicial circuit of the Central District of Novorossiysk examined an administrative case brought against the fourth applicant. As in the previous cases, the justice of the peace dismissed the claims that the gathering was a private meeting. She found the fourth applicant guilty of participation in an unauthorised public event under Article 20.2 § 2 of the Code and sentenced him to a fine of RUB 1,000. This judgment was upheld on appeal on 2 March 2007 by the Oktyabrskiy District Court of Novorossiysk.

13.  On an unidentified date the first deputy prosecutor for the Krasnodar Region filed a request for a supervisory review of the administrative cases against the second, third and fourth applicants.

14.  On 9 July 2007 the Acting President of the Krasnodar Regional Court examined the administrative case against the fourth applicant in supervisory review proceedings. He upheld the judgment of 9 February 2007 and the appeal decision of 2 March 2007 as lawful and well-founded.

15.  On 3 August 2007 the Deputy President of the Krasnodar Regional Court conducted the supervisory review in the second and third applicants’ cases and quashed the judgment of 2 February 2007 and the decisions of 20 February and 2 March 2007 on the grounds that section 7 of the Public Events Act exempted the gatherings from the notification requirement. Their administrative cases were remitted for a fresh examination by the first-instance court.

16.  On 12 and 14 September 2007 the justice of the peace of the 80th judicial circuit of the Central District of Novorossiysk examined the administrative charges against the second and third applicants respectively. He terminated the administrative proceedings against both applicants on the grounds that the gathering had been conducted in a proper venue – “a specially designated or arranged location”, in accordance with section 2 of the Public Events Act – and had not been subject to notification, in accordance with section 7 of that Act.

17.  The second and third applicants sued the town administration of Novorossiysk and the Ministry of Finance of the Russian Federation for damages. They claimed that the police intervention during their private gathering had been unlawful, intimidating and disruptive, that their subsequent administrative convictions had been unlawful, and that despite the termination of the administrative case they had not been reimbursed for the administrative fines or the legal costs they had incurred in those proceedings.

18.  On 25 December 2007 the Oktyabrskiy District Court of Novorossiysk rejected the second and third applicants’ claim for damages. It found that the police had acted lawfully and within their powers in order to verify a report of an unauthorised entry onto the school’s premises and that, in accordance with the local administration’s directives, and in order to combat terrorism, schools had to notify any planned events. It found that the applicants had not been arrested or removed from the premises and moreover that they could have continued their meeting elsewhere. Therefore no damage had been caused by the police check. As regards the fines, the court found that they had been cancelled by the previous judicial decision, which was not subject to review in the proceedings before it and therefore it found no grounds to make an award in respect of the applicants’ legal costs incurred in the terminated administrative proceedings. That judgment was upheld on appeal by the Krasnodar Regional Court on 19 February 2008.

II.  RELEVANT DOMESTIC LAW

19.  The relevant provisions of the Code of Administrative Offences of 30 December 2001, as in force at the material time, read as follows:

Article 20.2 Breaches of the established procedure for the organisation or conduct of public gatherings, meetings, demonstrations, marches or pickets

“1.  Breaches of the established procedure for the organisation of public gatherings, meetings, demonstrations, marches or pickets shall be punishable by an administrative fine of between ten and twenty times the minimum wage, for the organisers.

2.  Breaches of the established procedure for the conduct of public gatherings, meetings, demonstrations, marches or pickets shall be punishable by an administrative fine of, for the organisers, between ten and twenty times the minimum wage, and, for the participants, between five and ten times the minimum wage ...”

20.  The relevant provisions of the Public Events Act are set out in *Navalnyy v. Russia* ([GC], nos. 29580/12 and 4 others, § 45, 15 November 2018) and in the cases cited in paragraph 43 of that judgment. The provisions directly relevant to the present case 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 “picket” (*пикетирование*) or in various combination 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 is an assembly of citizens in a specially designated or arranged location for the purpose of collective discussion of socially important issues ...”

Section 7
Notification of a public event

“Notification of a public event (except for a gathering and a picket held by a solo participant) must be filed in writing by its organiser with the executive [or municipal] authority ... no earlier than fifteen days and no later than ten days before the date of the public event ...”

Section 8
Locations for the conduct of a public event

“1.  A public event may be held in any convenient location, provided that it does not create a risk of building collapse or any other risks to the safety of the participants. The access of participants to certain locations may be banned or restricted in the circumstances specified by federal laws.”

1. THE LAW
	1. Locus standi

21.  The Court notes that the third applicant, Ms Karasteleva, died and that her son, Mr Dmitriy Karastelev, expressed a wish to continue with her application.

22.  The Government submitted that the third applicant’s son could not claim to be a victim of a violation of his mother’s rights under Article 11 of the Convention, as those rights were non-transferable.

23.  The Court reiterates that where an applicant dies during the examination of a case, his or her heirs may in principle pursue the application on his or her behalf (see *Jėčius v. Lithuania*, no. [34578/97](https://hudoc.echr.coe.int/eng#{"appno":["34578/97"]}), § 41, ECHR 2000‑IX). In a number of cases in which an applicant has died in the course of the proceedings the Court has taken into account the statements of the applicant’s heirs or of close family members expressing the wish to pursue the proceedings before the Court (see, for instance, *Dalban v. Romania* [GC], no. [28114/95](https://hudoc.echr.coe.int/eng#{"appno":["28114/95"]}), § 39, ECHR 1999‑VI; *Hanbayat v. Turkey*, no. [18378/02](https://hudoc.echr.coe.int/eng#{"appno":["18378/02"]}), §§ 19-21, 17 July 2007; and *Janowiec and Others v. Russia* [GC], nos. [55508/07](https://hudoc.echr.coe.int/eng#{"appno":["55508/07"]}) and [29520/09](https://hudoc.echr.coe.int/eng#{"appno":["29520/09"]}), §§ 97-101, ECHR 2013). Furthermore, the Court has recognised the right of the relatives of a deceased applicant to pursue an application concerning the exercise of the right to freedom of assembly (see *Szerdahelyi v. Hungary*, no. [30385/07](https://hudoc.echr.coe.int/eng#{"appno":["30385/07"]}), §§ 19-22, 17 January 2012, and *Nosov and Others v. Russia*, nos. [9117/04](https://hudoc.echr.coe.int/eng#{"appno":["9117/04"]}) and [10441/04](https://hudoc.echr.coe.int/eng#{"appno":["10441/04"]}), §§ 28‑30, 20 February 2014).

24.  In the present case the proposed successor submitted documents confirming that he was the third applicant’s close relative and heir. In these circumstances, the Court considers that he has a legitimate interest in pursuing the application in the place of his late mother.

* 1. ALLEGED VIOLATION OF ARTICLE 11 OF THE CONVENTION

25.  The applicants complained under Article 11 of the Convention that the disruption of the meeting on 23 January 2007 by the authorities and their subsequent administrative convictions had constituted an unlawful interference with their freedom of peaceful assembly, which had pursued no legitimate aim and had not been proportionate to the declared aims. Article 11 of the Convention 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.”

* + 1. Admissibility
			1. The parties’ submissions

26.  The Government contended that the application was manifestly ill‑founded. As regards the police intervention during the meeting, they pointed out that the participants of the event had not been arrested and that the gathering had not been dispersed. Therefore the actions of the police had not constituted an interference with the applicants’ right to freedom of assembly.

27.  As regards the administrative sanctions imposed on the applicants for a failure to comply with the procedure for notifying the authorities of a public event, they argued that the judicial decisions as regards the second and the third applicants had been quashed following a supervisory review and therefore the matter could be considered to be resolved within the meaning of Article 37 § 1 (b) of the Convention. In the alternative, the Government argued that the second and third applicants had lost their victim status. Moreover, they alleged that those two applicants had abused the right of application by having omitted to inform the Court of the supervisory review proceedings and the subsequent claims, which constituted important new developments.

28.  With reference to the aforementioned supervisory review proceedings, the Government claimed that by failing to avail themselves of the same remedy, the first and fourth applicants had failed to comply with the rule of exhaustion of domestic remedies.

29.  The applicants maintained their complaints. They contested the Government’s allegation that the supervisory review had provided an effective remedy for the second and third applicants because the termination of the administrative proceedings against them had not provided redress for the misconduct of the police. Neither the fines nor the legal fees of those two applicants had been reimbursed following the supervisory review and furthermore their claim for damages had been rejected. The applicants argued that in any event the supervisory review could not be regarded as an effective remedy because of its discretionary nature and the unforeseeable results as demonstrated by the different outcomes of identical cases. In particular, the fourth applicant had had his case rejected by the supervisory body with the reasons given being the opposite of those in the second and third applicants’ cases.

30.  The applicants concluded that those developments had neither resolved the matter nor deprived two of the applicants of their victim status. They also submitted that, for the same reasons, the Government’s reference to an alleged abuse of the right of application by the second and the third applicants and the non-exhaustion of domestic remedies by the first and the fourth applicants had been manifestly ill-founded.

* + - 1. The Court’s assessment

31.  The Court takes note of the decisions quashing the administrative convictions of the second and the third applicants. The Court reiterates that in the context of Articles 10 and 11 an acquittal or termination of proceedings against the applicant does not automatically remove the effects of the interference with their right to freedom of expression and of assembly and thus deprive them of their victim status (see *Gülcü v. Turkey*, no. 17526/10, § 99, 19 January 2016, and *Döner and Others v. Turkey*, no. 29994/02, § 89, 7 March 2017). In the instant case, the supervisory body held that the two applicants had not committed an administrative offence by gathering for a meeting without first notifying the authorities. However, it did not deal with the grievance about the disruption of the meeting by the police, particularly in the light of the reasoning contained in the subsequent judicial decisions rejecting their claims for damages. Therefore by quashing the two applicants’ administrative convictions the authorities had taken measures favourable to the applicants, but they neither acknowledged, either expressly or in substance, nor afforded redress for, the breach of Article 11 of the Convention.

32.  For this reason, the second and the third applicants may not be considered to have lost their victim status on account of the supervisory review conducted in their administrative cases. For the same reason, the matter raised in their application cannot be considered resolved within the meaning of Article 37 § 1 (b) of the Convention.

33.  Turning to the Government’s allegation of abuse by the second and third applicants of the right of application, the Court accepts that the supervisory review and the subsequent proceedings constituted important new developments in the present case. However, they did not affect the substance of the applicants’ main complaint of the breach of the right to freedom of assembly (see paragraphs 31-32 above). Furthermore, the Court does not have sufficient information in its possession to establish with certainty that the applicants intended to mislead it (see, for similar reasoning, *Alpeyeva and Dzhalagoniya v. Russia*, nos. 7549/09 and 33330/11, §§ 100-01, 12 June 2018, and contrast, *Gross v. Switzerland* [GC], no. 67810/10, § 36, ECHR 2014). In view of the above, the Court does not consider that the applicants’ conduct amounted to an abuse of the right of application within the meaning of Article 35 § 3 (a) of the Convention.

34.  Finally, as regards the Government’s claim that the first and fourth applicants had failed to exhaust domestic remedies because they had not filed a supervisory review request, the Court notes that the fourth applicant did in fact pursue that remedy. However, the request for a supervisory review was rejected in his case with the content of the reasoning being the opposite to that given by the same level of court in the second and third applicants’ cases, where the reviews were successful. Having regard to the scope and the subject matter of the supervisory review in this case (see paragraphs 31-32 above), as well as the inconsistent outcomes in the identical cases of the three applicants, the Court cannot uphold the Government’s assertion that the supervisory review constituted an effective remedy to be exhausted in the present case (see, by contrast, *Orlovskaya Iskra v. Russia*, no. 42911/08, §§ 69-79, 21 February 2017, where the Court found that in the relevant period such a complaint could in other circumstances be considered in the application of the six-months’ rule).

35.  In view of the foregoing the Court rejects the Government’s preliminary objections.

36.  The Court notes that the application is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It further notes that it is not inadmissible on any other grounds. It must therefore be declared admissible.

* + 1. Merits
			1. The parties’ submissions

37.  The Government submitted that there had been no interference with the applicants’ right to freedom of assembly as it was not the police but the applicants themselves who had brought the meeting to an end, although they had been free to continue it at some other venue. Even assuming there had been an interference, it had been proportionate as the police officers had not used force and had remained polite during the check.

38.  The applicants maintained that the interference with their right to freedom of assembly had been two-fold: firstly, their meeting had been brought to an end by the police intervention; secondly, they had been charged with administrative offences, sentenced to fines and had had to bear the legal costs related to the proceedings. Both aspects of the interference were unlawful, pursued no legitimate aim and were not necessary in a democratic society.

* + - 1. The Court’s assessment

39.  The Court reiterates that the right to freedom of assembly is a fundamental right in a democratic society and, like the right to freedom of expression, is one of the foundations of such a society. This right covers 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 (see *Kudrevičius* *and Others v. Lithuania* [GC], no. 37553/05, § 91, ECHR 2015). Therefore irrespective of whether the meeting in the present case was to be characterised as private or public it constituted an “assembly”, and being undeniably peaceful it fell within the scope of Article 11 of the Convention.

40.  The Court reiterates that an interference with the exercise of the right to freedom of assembly does not need to amount to an outright ban, legal or *de facto*, but can consist in various other measures taken by the authorities (see *Kudrevičius* *and Others*, cited above, § 100). It previously found that a disruption of a religious gathering which caused its premature termination amounted to a limitation on the right to freedom of religion (see *Kuznetsov and Others v. Russia*, no. 184/02, §§ 59-62, 11 January 2007) and, by implication, an interference with the right to freedom of peaceful assembly (ibid., § 53). In the present case, the applicants could not proceed with their small-scale informal gathering in the presence of the large number of police officers who were accusing them of a failure to notify the authorities of their meeting and who remained in the room until the participants of the meeting left it. It is clear that the meeting was brought to an end prematurely by the authorities’ intervention, which therefore constituted “a restriction”, within the meaning of the second paragraph of Article 11 of the Convention.

41.  The parties disagreed whether the above conduct on the part of the authorities was lawful. The legal grounds put forward on the spot and in the ensuing administrative proceedings – a failure to give notice under the procedure applicable to public events – have been subsequently refuted by the court conducting the supervisory review which found that no such requirement was applicable to the gathering at hand (see also *Krupko and Others v. Russia*, no. 26587/07, § 55, 26 June 2014).

42.  In the subsequent civil proceedings reference was made to an instruction issued by the Novorossiysk municipality, in accordance with which school directors had to notify the police of any events taking place on school premises, as a measure to combat terrorism. The Government did not rely on that instruction in their observations, and its text was not submitted to the Court. Clearly, the applicants’ meeting was not causing any disturbance, and even if the police were obliged to follow-up on an alert about an unreported event, they had no reason to remain in the meeting room after having satisfied themselves of the peaceful character of the gathering (ibid., § 56).

43.  The Court reiterates that the expression “prescribed by law” 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. For domestic law to meet the qualitative requirements, it must afford a measure of legal protection against arbitrary interferences by public authorities with the rights guaranteed by the Convention. In matters affecting fundamental rights it would be contrary to the rule of law, one of the basic principles of a democratic society enshrined in the Convention, for legal discretion granted to the executive to be expressed in terms of an unfettered power. Consequently, the law must indicate with sufficient clarity the scope of any such discretion and the manner of its exercise (see *Navalnyy v. Russia* [GC], nos. 29580/12 and 4 others, §§ 114-15, 15 November 2018).

44.  The Court doubts that a municipal instruction to school directors could give the police the power to disrupt a gathering on school premises on the sole grounds that the authorities had not been notified of it as an “event”. Moreover, no such argument was put forward in the present case.

45.  The Government did not submit that the interference with the applicants’ right to freedom of assembly was based on a legal provision that was accessible and foreseeable in its application. Accordingly, the interference was not “prescribed by law”, a fact that suffices to constitute a violation of Article 11. This finding dispenses the Court from determining whether it pursued a legitimate aim and was necessary in a democratic society.

46.  Having reached the above conclusion, the Court does not consider it necessary to examine whether the administrative proceedings against the applicants were also in breach of Article 11 of the Convention.

* 1. OTHER ALLEGED VIOLATIONS OF THE CONVENTION

47.  The Court has examined the other complaints submitted by the applicant. However, having regard to all the material in its possession, and in so far as these complaints fall within the Court’s competence, it finds that they do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols. That part of the application must therefore be rejected as being manifestly ill-founded, pursuant to Article 35 §§ 3 and 4 of the Convention.

* 1. APPLICATION OF ARTICLE 41 OF THE CONVENTION

48.  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

49.  The applicants claimed the following amounts in respect of pecuniary damage which represent the amounts of the fines imposed on them in the administrative proceedings, converted from Russian roubles to euros (EUR): EUR 15 for the first applicant, EUR 29 for the second applicant, EUR 43 for the third applicant’s successor, and EUR 29 for the fourth applicant. They also claimed non-pecuniary damage in an amount to be determined by the Court.

50.  The Government contested the applicants’ claims for just satisfaction as unlawful and unsubstantiated for a lack of connection between the alleged violation of the Convention and the damage claimed. They contended that an acknowledgment of a violation, if any was found by the Court, would constitute sufficient just satisfaction in respect of non‑pecuniary damage.

51.  The Court considers that there is a direct causal link between the violation of Article 11 found and the fines the applicants had paid following their convictions for administrative offences (see, for similar reasoning, *Lashmankin and Others v. Russia*, nos. 57818/09 and 14 others, § 515, 7 February 2017). Regard being had to the documents in its possession, the Court considers it reasonable to award the sums indicated by the applicants in respect of pecuniary damage, plus any tax that may be chargeable.

52.  The Court has found that the applicants’ meeting was disrupted through unlawful interference by State officials. In these circumstances, it does not consider that the finding of a violation would constitute sufficient just satisfaction. It awards each applicant EUR 7,500 in respect of non‑pecuniary damage, plus any tax that may be chargeable.

* + 1. Costs and expenses

53.  The four applicants were represented by lawyers from the NGOs EHRAC and Memorial Human Rights Centre. The aggregate claim in respect of costs and expenses amounted to EUR 3,000 and 3,542 pounds sterling (GBP, approximately 3,900 EUR) for the costs and expenses incurred before the Court. The applicants submitted a breakdown of the costs and supporting documents, including fee notes, translator’s invoices and a claim for administrative and postal costs. They requested that the payment be transferred directly to their representative’s bank account in the United Kingdom.

54.  The Government contested those claims as excessive and unsubstantiated. They argued that there was no proof that these amounts had been incurred.

55.  The Court has to establish first whether the costs and expenses indicated by the applicant’s representatives were actually incurred and, second, whether they were necessary (see *McCann and Others* *v. the United Kingdom*, 27 September 1995, § 220, Series A no. 324, and *Fadeyeva v. Russia*, no. [55723/00](https://hudoc.echr.coe.int/eng#{"appno":["55723/00"]}), § 147, ECHR 2005‑IV). Bearing the above principles in mind, the Court awards the applicants EUR 6,900 together with any tax that may be chargeable to them, the net award to be paid into the representative’s bank account, as indicated by the applicants.

* + 1. Default interest

56.  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. *Declares* the complaints about the alleged breach of the applicants’ right to freedom of assembly admissible and the remainder of the application inadmissible;
3. *Holds* that there has been a violation of Article 11 of the Convention;
4. *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 except in relation to the payment of costs and expenses which is to be paid in euros, at the rate applicable at the date of settlement:
		1. the following amounts, plus any tax that may be chargeable, in respect of pecuniary damage:

-  EUR 15 (fifteen euros) to the first applicant;
-  EUR 29 (twenty-nine euros) to the second applicant;
-  EUR 43 (forty-three euros) to the third applicant’s successor;
-  EUR 29 (twenty-nine euros) to the fourth applicant;

* + 1. EUR 7,500 (seven thousand five hundred euros) to each of the applicants and the third applicant’s successor, plus any tax that may be chargeable, in respect of non-pecuniary damage;
		2. EUR 6,900 (six thousand nine hundred euros), plus any tax that may be chargeable to the applicants, in respect of costs and expenses;
	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 applicants’ claim for just satisfaction.

Done in English, and notified in writing on 25 February 2020, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

 Stephen Phillips Paulo Pinto de Albuquerque
 Registrar President