



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

THIRD SECTION

CASE OF ALEKSEYEV AND OTHERS v. RUSSIA

*(Applications nos. 24816/17 and 4 others –
see appended list)*

JUDGMENT

STRASBOURG

21 February 2019

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

In the case of Alekseyev and Others v. Russia,

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

Alena Poláčková, *President*,

Dmitry Dedov,

Jolien Schukking, *judges*,

and Liv Tigerstedt, *Acting Deputy Section Registrar*,

Having deliberated in private on 31 January 2019,

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

PROCEDURE

1. The case originated in applications against Russia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on the various dates indicated in the appended table.

2. Notice of the applications was given to the Russian Government (“the Government”).

THE FACTS

3. The list of applicants and the relevant details of the applications are set out in the appended table.

4. The applicants complained that they had been denied an opportunity to appear in person before the court in the civil proceedings to which they were parties.

THE LAW

I. JOINDER OF THE APPLICATIONS

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

II. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

6. The applicants complained that their right to a fair hearing had been breached on account of the domestic courts’ refusal of their requests to

appear in court. They relied on Article 6 § 1 of the Convention, which reads as follows:

“In the determination of his civil rights and obligations ... everyone is entitled to a ... hearing within a reasonable time by [a] ... tribunal ...”

7. The Court reiterates that the applicants, detainees at the time of the events, were not afforded an opportunity to attend hearings in civil proceedings to which they were parties. The details of those domestic proceedings are indicated in the appended table. The Court observes that the general principles regarding the right to present one’s case effectively before the court and to enjoy equality of arms with the opposing side, as guaranteed by Article 6 of the Convention, have been stated in a number of its previous judgments (see, among many other authorities, *Steel and Morris v. the United Kingdom*, no. 68416/01, §§ 59-60, ECHR 2005-II). The Court’s analysis of an alleged violation of the right to a fair trial in respect of cases where incarcerated applicants complain about their absence from hearings in civil proceedings includes the following elements: examination of the manner in which domestic courts assessed the question whether the nature of the dispute required the applicants’ personal presence and determination whether domestic courts put in place any procedural arrangements aiming at guaranteeing their effective participation in the proceedings (see *Yevdokimov and Others v. Russia*, nos. 27236/05 and 10 others, § 48, 16 February 2016).

8. In the leading case of *Yevdokimov and Others v. Russia*, nos. 27236/05 and 10 others, 16 February 2016, the Court already found a violation in respect of issues similar to those in the present case.

9. Having examined all the material submitted to it, as well as the Government’s objections of six months, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on 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 domestic courts deprived the applicants of the opportunity to present their cases effectively and failed to meet their obligation to ensure respect for the principle of a fair trial.

10. These complaints are therefore admissible and disclose a breach of Article 6 § 1 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

11. 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.”

12. Regard being had to the documents in its possession and to its case-law, the Court considers it reasonable to award the sums indicated in the appended table.

13. 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.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the applications admissible;
3. *Holds* that these applications disclose a breach of Article 6 § 1 of the Convention concerning the applicants’ absence from civil proceedings;
4. *Holds*
 - (a) that the respondent State is to pay the applicants, within three months, the amounts indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
 - (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 during the default period plus three percentage points.

Done in English, and notified in writing on 21 February 2019, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Liv Tigerstedt
Acting Deputy Registrar

Alena Poláčková
President

APPENDIX

List of applications raising complaints under Article 6 § 1 of the Convention
(applicant's absence from civil proceedings)

No.	Application no. Date of introduction	Applicant's name Date of birth	Nature of the dispute Final decision	First-instance hearing date Court	Appeals Date Court	Amount awarded for non-pecuniary damage and costs and expenses per applicant (in euros) ¹
1.	24816/17 11/08/2017	Denis Viktorovich Alekseyev 01/02/1979	Challenging actions preventing him from receiving an application form of the Court	30/06/2016 Leninskiy District Court, Krasnoyarsk	07/09/2016 Krasnoyarsk Regional Court 06/06/2017 Supreme Court of Russia	2,000
2.	28134/17 24/03/2017	Gafur Borisovich Abdushev 16/02/1988	Compensation proceedings	29/08/2016 Leninskiy District Court of Astrakhan	07/12/2016 Astrakhan Regional Court	2,000
3.	43005/17 11/08/2017	Vyacheslav Vladimirovich Matveyev 27/12/1990	Compensation claim for inadequate detention conditions	29/11/2016 Leninskiy District Court of Ufa	27/03/2017 Supreme Court of the Bashkortostan Republic	2,000
4.	46670/17 30/05/2017	Denis Aleksandrovich Karakov 27/01/1982	Complaint about poor conditions of detention	09/02/2016 Leninsky District Court of Perm	30/05/2016 Perm Regional Court 07/12/2016 Supreme Court of Russia	2,000
5.	72309/17 01/09/2017	Anatoliy Anatolyevich Yarosha 10/12/1979	Tort action related to inadequate conditions of detention in a temporary detention facility	21/12/2016 Lesosibirsk Town Court of the Krasnoyarsk Region	24/04/2017 Krasnoyarsk Regional Court	2,000

1. Plus any tax that may be chargeable to the applicants.