



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

THIRD SECTION

**CASE OF GRIGORYEVA AND OTHERS v. RUSSIA**

*(Applications nos. 57477/14 and 4 others -  
see appended list)*

JUDGMENT

STRASBOURG

28 June 2018

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



**In the case of Grigoryeva 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 7 June 2018,

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. The applications were communicated 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 of the domestic courts’ failure to ensure their participation in hearings 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. THE GOVERNMENT'S REQUEST TO STRIKE OUT THE APPLICATIONS UNDER ARTICLE 37 § 1 OF THE CONVENTION

6. The Government submitted unilateral declarations which did not offer a sufficient basis for finding that respect for human rights as defined in the Convention does not require the Court to continue its examination of the case (Article 37 § 1 in fine). The Court rejects the Government's request to strike the applications out and will accordingly pursue its examination of the merits of the case (see *Tahsin Acar v. Turkey* (preliminary objections) [GC], no. 26307/95, § 75, ECHR 2003-VI, and more recently *Igranov and Others v. Russia*, nos. 42399/13 and 8 others, 20 March 2018).

## III. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

7. The applicants complained that their right to a fair hearing had been breached on account of the domestic courts' failure to properly and timely notify them of hearings in the civil proceedings to which they were parties. 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 ...”

8. 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).

9. The applicants alleged that they had not received the summonses and/or were not informed in due time of the date and place of hearings in their cases. The Court reiterates that domestic courts must make reasonable efforts to summon the parties to a hearing (see *Kolegovy v. Russia*, no. 15226/05, § 42, 1 March 2012, and *Babunidze v. Russia* (dec.), no. 3040/03, 15 May 2007). Litigants must also take appropriate measures to ensure effective receipt of correspondence the domestic courts may send them (see *Perihan and Mezopotamya Basın Yayın A.Ş. v. Turkey*, no. 21377/03, § 38, 21 January 2014; *Boyko v. Ukraine* (dec.), no. 17382/04, 23 October 2007; and *Darnay v. Hungary*, no. 36524/97, Commission decision of 16 April 1998). Moreover, the Court has noted that a lack or deficiency of reasons in domestic decisions as regards the proof of receipt of summonses by the applicants, as well as the domestic courts' failure to assess the necessity to adjourn hearings pending the applicants' proper notification or to delve on the nature of their legal claims which could have rendered the applicants' presence unnecessary cannot be made

up *ex post facto* in the Court proceedings, for it cannot take the place of the national courts which had the evidence before them (see *Gankin and Others v. Russia*, nos. 2430/06 and 3 others, §§ 41-42, 31 May 2016).

10. In the leading case of *Gankin and Others v. Russia*, nos. 2430/06 and 3 others, 31 May 2016, the Court already found a violation in respect of issues similar to those in the present case.

11. Having examined all the material submitted to it and lacking any evidence of proper notification of the applicants, 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 finds that by proceeding to consider the merits of the applicants' cases without attempting to ascertain whether they had been or should have been at least aware of the date and time of the hearings, and, if they had not, whether the hearings should have been adjourned, the domestic courts deprived the applicants of the opportunity to present their cases effectively and fell short of their obligation to respect the principle of fair trial enshrined in Article 6 of the Convention.

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

#### IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

13. 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.”

14. 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.

15. 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. Rejects the Government's request to strike the applications out of its list of cases under Article 37 § 1 of the Convention on the basis of the unilateral declarations which they submitted;

3. *Declares* the applications admissible;
4. *Holds* that these applications disclose a breach of Article 6 § 1 of the Convention concerning the unfairness of the civil proceedings;
5. *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 period plus three percentage points.

Done in English, and notified in writing on 28 June 2018, 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 name Date of birth/ Registration date	Representative name and location	Nature of the dispute Final decision (where relevant)	First-instance hearing date Court	Appeal hearing date Court	Amount awarded for non-pecuniary damage and costs and expenses per applicant (in euros) <sup>1</sup>
1.	57477/14 28/07/2014	<b>Nina Mikhaylovna Grigoryeva</b> 11/10/1956		Employment dispute.	04/06/2013 Kalininskiy District Court of Tyumen	16/09/2013 Tyumen Regional Court, a copy of the judgment served on the applicant on 28/01/2014	1,500
2.	77878/14 03/12/2014	<b>Oao Volskaya Shveynaya Fabrika</b> 25/09/1997	Vologin Aleksey Borisovich Volsk	Legal fees dispute.	28/10/2013 Commercial Court of the Saratov Region	05/06/2014 Supreme Commercial Court of Russia	1,500
3.	9236/15 03/02/2015	<b>Dmitriy Yuryevich Bogdanov</b> 12/02/1970		Employment dispute.	04/03/2014 Mytishchi Town Court of the Moscow Region	12/05/2014 Moscow Regional Court	1,500
4.	4197/16 31/12/2015	<b>Svetlana Nikolayevna Zaytseva</b> 20/02/1963		Debt recovery dispute; Supreme Court of the Russian Federation, 19/11/2015, dismissal of cassation appeal. Applicant absent on appeal and the Supreme Court did not address the complaint in this regard.	26/03/2015 Gubkinskiy District Court, Yamalo- Nenetskiy Autonomous Region	02/07/2015 Yamalo-Nenetskiy Autonomous Regional Court	1,500
5.	13476/16 25/02/2016	<b>Valeriy Viktorovich Isayenkov</b> 01/12/1973		Dispute with a bank over a debt Final decision - Supreme Court of the Russian Federation, 14/09/2015.	21/10/2014 Naberezhnye Chelny City Court	22/01/2015 Supreme Court of the Tatarstan Republic	1,500

<sup>1</sup> Plus any tax that may be chargeable to the applicants.