



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

THIRD SECTION

CASE OF ZVEREVA AND OTHERS v. RUSSIA

*(Applications nos. 38603/17 and 22 others –
see appended list)*

JUDGMENT

STRASBOURG

6 April 2023

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

In the case of Zvereva and Others v. Russia,

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

Peeter Roosma, *President*,

Ioannis Ktistakis,

Andreas Zünd, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 16 March 2023,

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 Russian Government (“the Government”) were given notice of the applications.

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 disproportionate measures taken against them as organisers and/or participants of public assemblies. Some applicants also raised other complaints under the provisions of the Convention and its Protocols.

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 11 OF THE CONVENTION

6. The applicants complained principally of disproportionate measures taken against them as organisers and/or participants of public assemblies, namely the dispersal of these assemblies, as well as their arrest followed by their conviction for administrative offence. They relied, expressly or in substance, on Article 11 of the Convention.

7. 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).

8. In the leading cases of *Frumkin v. Russia*, no. 74568/12, ECHR 2016 (extracts), *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.

9. 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 interferences with the applicants' freedom of assembly were not "necessary in a democratic society".

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

III. OTHER ALLEGED VIOLATIONS UNDER WELL-ESTABLISHED CASE-LAW

11. Some applicants submitted other complaints which also raised issues under the Convention, given the relevant well-established case-law of the Court (see appended table). These complaints are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor are they inadmissible on any other ground. Accordingly, they must be declared admissible. Having examined all the material before it, the Court concludes that they also disclose violations of the Convention and its Protocol in the light of its well-established case-law (see *Karelin v. Russia*, no. 926/08, 20 September 2016, concerning examination of criminal cases in the absence of a prosecuting party in the judicial proceedings governed by the Federal Code of Administrative Offences (CAO); *Tsvetkova and Others v. Russia*, nos. 54381/08 and 5 others, §§ 84-138, 10 April 2018, as regards unlawful administrative arrest; *Tomov and Others v. Russia*, nos. 18255/10 and 5 others, §§ 92-156, 9 April 2019, related to inadequate conditions of transport; and *Martynyuk v. Russia*, no. 13764/15, §§ 31-43, 8 October 2019, concerning lack of a suspensive effect of an appeal and immediate execution of a sentence of administrative detention).

IV. REMAINING COMPLAINTS

12. In view of its findings above, the Court considers that there is no need to deal separately with the remaining complaints under Articles 5 and 6 of the Convention raised by some of the applicants in relation to unlawful arrest and other aspects of the fairness of the administrative-offence proceedings.

V. 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 (see, in particular, *Navalnyy and Others v. Russia* [Committee], nos. 25809/17 and 14 others, § 22, 4 October 2022), the Court finds it reasonable to award the sums indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the complaints concerning the right to peaceful assembly and the other complaints under the well-established case-law of the Court, as set out in the appended table, admissible, and *decides* that it is not necessary to examine separately the remaining complaints under Articles 5 and 6 of the Convention concerning unlawful arrest and other aspects of the fairness of the administrative-offence proceedings;
3. *Holds* that the applications disclose a breach of Article 11 of the Convention concerning the right to peaceful assembly;
4. *Holds* that there has been a violation of the Convention and its Protocol as regards the other complaints raised under the well-established case-law of the Court (see appended table);
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.

ZVEREVA AND OTHERS v. RUSSIA JUDGMENT

Done in English, and notified in writing on 6 April 2023, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Peeter Roosma
President

APPENDIX

List of applications raising complaints under Article 11 of the Convention
(disproportionate measures against organisers and participants of public assemblies)

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Name of the public event Location Date	Administrative charges	Penalty	Final domestic decision Court Name Date	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
1.	38603/17 06/05/2017	Nadezhda Andreyevna ZVEREVA 1983	Zboroshenko Nikolay Sergeyevich Mytishchi	Manifestation near the United Russia Headquarters (event around 12.30 p.m.) Moscow 01/07/2016	Article 20.2 § 5 of CAO	fine of RUB 10,000	Moscow City Court 16/11/2016	Art. 5 (1) - unlawful deprivation of liberty, including unrecorded detention and detention without a judicial order and any other legal basis – detention two times on 01/07/2016 (around 12.30 p.m. and then after her release and participation in yet another event on the same day at 7 p.m.) and then on 02/07/2016, arrested and detained in excess of 3 hours each time; arrest and escorting to the police office for the purpose of drawing up a record of administrative offence; raised on appeal, Art. 6 (1) - lack of impartiality of tribunal - absence of a prosecuting party in all sets of the administrative proceedings. Final decisions: Moscow City Court on 16/11/2016 (three decisions)	5,000
			Manifestation near the United Russia Headquarters (event at 7 p.m.) Moscow 01/07/2016	Article 20.2 § 2 of CAO	fine of RUB 10,000	Moscow City Court 16/11/2016			
			Manifestation near the United Russia Headquarters Moscow 02/07/2016	Article 20.2 § 2 of CAO	fine of RUB 10,000	Moscow City Court 16/11/2016			

ZVEREVA AND OTHERS v. RUSSIA JUDGMENT

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Name of the public event Location Date	Administrative charges	Penalty	Final domestic decision Court Name Date	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
2.	58321/17 03/08/2017	Firuz Negmatovna ASHUROVA 1971	Vakhitov Ilyas Salimovich Vniissok	"Return the stolen social housing" manifestation Tverskaya street, Moscow 15/09/2016	Article 20.2 § 5 of CAO	fine of RUB 15,000	Moscow City Court 08/02/2017	Art. 6 (1) - lack of impartiality of tribunal - lack of a prosecuting party in the administrative proceedings. Final decision: Moscow City Court on 08/02/2017	3,500
3.	63498/17 24/08/2017	Darya Nikolayevna KIRILLOVA 1986	Vakhitov Ilyas Salimovich Vniissok	"Return the stolen social housing" manifestation Tverskaya street, Moscow 15/09/2016	Article 20.2 § 5 of CAO	fine of RUB 10,000	Moscow City Court 28/02/2017	Art. 6 (1) - lack of impartiality of tribunal - lack of a prosecuting party in the administrative proceedings. Final decision: Moscow City Court on 28/02/2017	3,500
4.	64040/17 28/08/2017	Lyudmila Borisovna ZAKHARKINA 1973	Vakhitov Ilyas Salimovich Vniissok	"Return the stolen social housing" manifestation Tverskaya street, Moscow 15/09/2016	Article 20.2 § 5 of CAO	fine of RUB 10,000	Moscow City Court 02/03/2017	Art. 6 (1) - lack of impartiality of tribunal - lack of a prosecuting party in the administrative proceedings. Final decision: Moscow City Court on 02/03/2017	3,500
5.	69600/17 20/09/2017	Marina Vladimirovna BUKINA 1976	Khrunova Irina Vladimirovna Kazan	Anti-corruption manifestation St Petersburg 26/03/2017	Article 20.2 § 5 of CAO	fine of RUB 10,000	St Petersburg City Court 29/06/2017		3,500
6.	70463/17 07/09/2017	Anna Mikhaylovna YUZHAKOVA 1990	Terekhov Konstantin Ilyich Moscow	Anti-corruption manifestation St Petersburg 12/06/2017	Article 20.2 § 5 and Article 19.3 § 1 of CAO	finest of RUB 10,000 and RUB 500	St Petersburg City Court 30/06/2017	Art. 5 (1) - unlawful deprivation of liberty, including unrecorded detention and detention without a judicial order and any other legal basis - arbitrary and unlawful detention between 2.15 p.m. on 12/06/2017 and 7.30 p.m. on 13/06/2017; detention in excess of the statutory period of 3 hours, raised on appeal,	4,000

ZVEREVA AND OTHERS v. RUSSIA JUDGMENT

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Name of the public event Location Date	Administrative charges	Penalty	Final domestic decision Court Name Date	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
								Art. 6 (1) - lack of impartiality of tribunal - lack of a prosecuting party in the administrative proceedings. Final decision: St Petersburg City Court on 30/06/2017	
7.	70532/17 07/09/2017	Vladislav Pavlovich SAVIN 1992	Terekhov Konstantin Ilyich Moscow	Anti-corruption manifestation St Petersburg 12/06/2017	Article 20.2 § 5 of CAO and Article 19.3 § 1 of CAO	finer of RUB 10,000 and RUB 500	St Petersburg City Court 27/06/2017	Art. 5 (1) - unlawful deprivation of liberty, including unrecorded detention and detention without a judicial order and any other legal basis - arrest and detention on 12/06/2017 in excess of 3 hours for the sole purpose of drawing up a record of administrative offence; raised on appeal, Art. 6 (1) - lack of impartiality of tribunal - in view of the absence of a prosecuting party in the administrative offence proceedings. Final decision: St Petersburg City Court on 27/06/2017	4,000
8.	72040/17 21/09/2017	Alim Rashidovich KURGALIYEV 1966	Sholokhov Igor Nikolayevich Kazan	Anti-corruption manifestation Chelyabinsk 26/03/2017	Article 20.2 § 5 of CAO	fine of RUB 10,000	Chelyabinsk Regional Court 02/06/2017	Art. 5 (1) - unlawful deprivation of liberty, including unrecorded detention and detention without a judicial order and any other legal basis - unlawful arrest and escorting to the police station on 28/03/2017 and 02/04/2017 for the purpose of drawing up a record of administrative offence and clarifying the facts; detention in excess of 3 hours each time	4,000

ZVEREVA AND OTHERS v. RUSSIA JUDGMENT

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Name of the public event Location Date	Administrative charges	Penalty	Final domestic decision Court Name Date	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
9.	72317/17 21/09/2017	Yevgeniya Vladimirovna VOROBYEVA 1990	Sholokhov Igor Nikolayevich Kazan	Anti-corruption manifestation Chelyabinsk 26/03/2017	Article 20.2 § 5 of CAO	fine of RUB 6,000	Chelyabinsk Regional Court 21/06/2017	Art. 5 (1) - unlawful deprivation of liberty, including unrecorded detention and detention without a judicial order and any other legal basis - unrecorded arrest and detention on 26/03/2017	4,000
10.	73677/17 26/09/2017	Dmitriy Vladimirovich KUKHAREV 1983	Kukharev Aleksandr Vladimirovich Moscow	Anti-corruption rally Tverskaya street, Moscow 26/03/2017	Article 20.2 § 6.1 of CAO	fine of RUB 15,000	Moscow City Court 26/07/2017	Art. 3 - inadequate conditions of detention during transport – between Tverskaya street and the police station of the Akademicheskij District of Moscow (more than 4 hours in a police vehicle, overcrowding (30 persons transported together, personal space 0.2 sq. m.), restricted access to toilet and potable water, lack of privacy for toilet), Art. 5 (1) - unlawful deprivation of liberty, including unrecorded detention and detention without a judicial order and any other legal basis - unlawful detention without a valid reason from 3.15 p.m. to 9.30 p.m. on 26/03/2017; raised on appeal, Art. 6 (1) - lack of impartiality of tribunal - absence of a prosecuting party in the administrative proceedings. Final decision: Moscow City Court on 26/07/2017	5,000

ZVEREVA AND OTHERS v. RUSSIA JUDGMENT

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Name of the public event Location Date	Administrative charges	Penalty	Final domestic decision Court Name Date	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
11.	73803/17 07/09/2017	Lyudmila Ivanovna TRUSOVA 1966	Terekhov Konstantin Ilyich Moscow	Anti-corruption rally Moscow 26/03/2017	Article 20.2 § 2 of CAO	fine of RUB 15,000	Moscow City Court 30/06/2017	Art. 5 (1) - unlawful deprivation of liberty, including unrecorded detention and detention without a judicial order and any other legal basis – arrest and detention on 26/03/2017 between 3.50 p.m. and 8 p.m. for the sole purpose of drawing up a record of administrative offence; raised on appeal	4,000
12.	73804/17 07/09/2017	Boris Leonidovich GRYZUNOV 1998	Terekhov Konstantin Ilyich Moscow	Anti-corruption rally Moscow 26/03/2017	Article 19.3 § 1 of CAO	10-day administrative detention	Moscow City Court 18/04/2017	Art. 5 (1) - unlawful deprivation of liberty, including unrecorded detention and detention without a judicial order and any other legal basis - arrest and escorting to the police office on 26/03/2017 for the purpose of drawing up a record of administrative offence; detention in excess of 3 hours until 28/03/2017, Prot. 7 Art. 2 - delayed review of conviction by a higher tribunal - The sentence of administrative detention imposed on the applicant by the court of first instance was executed immediately, on account of the lack of suspensive effect of an appeal under the CAO	5,000

ZVEREVA AND OTHERS v. RUSSIA JUDGMENT

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Name of the public event Location Date	Administrative charges	Penalty	Final domestic decision Court Name Date	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
13.	74816/17 04/10/2017	Ivan Sergeyeovich KRAVCHUK 1998	Peredruk Aleksandr Dmitriyevich St Petersburg	Anti-corruption manifestation St Petersburg 29/04/2017	Article 20.2 § 5 of CAO	fine of RUB 12,000	St Petersburg City Court 20/06/2017	Art. 5 (1) - unlawful deprivation of liberty, including unrecorded detention and detention without a judicial order and any other legal basis - arrest and detention on 29/04/2017 for the sole purpose of drawing up a record of administrative offence; detention in excess of 3 hours; raised on appeal, Art. 6 (1) - lack of impartiality of tribunal - absence of the prosecuting party in the administrative proceedings. Final decision: St Petersburg City Court on 20/06/2017	4,000
14.	77134/17 10/10/2017	Aleksey Nikolayevich DMITRIYEV 1970		Manifestation in support of political prisoners Moscow 12/09/2016	Article 20.2 § 5 of CAO	fine of RUB 10,000	Moscow City Court 24/04/2017	Art. 5 (1) - unlawful deprivation of liberty, including unrecorded detention and detention without a judicial order and any other legal basis - unlawful arrest and detention on 12/09/2016 for the sole purpose of drawing up a record of administrative offence; raised on appeal, Art. 6 (1) - lack of impartiality of tribunal - lack of a prosecuting party in the administrative proceedings. Final decision: Moscow City Court on 24/04/2017	4,000

ZVEREVA AND OTHERS v. RUSSIA JUDGMENT

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Name of the public event Location Date	Administrative charges	Penalty	Final domestic decision Court Name Date	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
15.	78520/17 03/11/2017	Aleksey Viktorovich SHATOV 1973	Terekhov Konstantin Ilyich Moscow	Anti-corruption rally Moscow 26/03/2017	Article 20.2 § 5 of CAO	fine of RUB 15,000	Moscow City Court 19/05/2017	Art. 5 (1) - unlawful deprivation of liberty, including unrecorded detention and detention without a judicial order and any other legal basis - arrest and unrecorded detention of the applicant for several hours on 26/03/2017 for the purpose of transporting him to the police station to draft an administrative offence record; raised on appeal, Art. 6 (1) - lack of impartiality of tribunal - absence of a prosecuting party from the administrative proceedings. Final decision: Moscow City Court on 19/05/2017	4,000
16.	79041/17 09/11/2017	Daniil Yuryevich PILCHEN 1995	Terekhov Konstantin Ilyich Moscow	Anti-corruption rally Moscow 26/03/2017	Article 20.2 § 5 of CAO	fine of RUB 10,000	Moscow City Court 11/05/2017	Art. 5 (1) - unlawful deprivation of liberty, including unrecorded detention and detention without a judicial order and any other legal basis - unrecorded detention for several hours following the arrest by the police for the purpose of drafting a record of administrative offence on 26/03/2017; raised on appeal, Art. 6 (1) - lack of impartiality of tribunal - lack of a prosecuting party in administrative proceedings. Final decision: Moscow City Court on 11/05/2017	4,000

ZVEREVA AND OTHERS v. RUSSIA JUDGMENT

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17.	79729/17 09/11/2017	Petr Aleksandrovich RUNOVSKIY 1998	Glukhov Aleksey Vladimirovich Novocheboksarsk	Anti-corruption rally Nizhniy Novgorod 26/03/2017	Article 19.3 § 1 of CAO and Article 20.2 § 5 of CAO	fines of RUB 500 and RUB 10,000	Nizhniy Novgorod Regional Court 10/05/2017	Art. 5 (1) - unlawful deprivation of liberty, including unrecorded detention and detention without a judicial order and any other legal basis - arrest during the rally on 26/03/2017, the applicant was then taken to the police station to draw up a record of administrative offence and released several hours later; raised on appeal	4,000
18.	79825/17 11/11/2017	Aleksey Igorevich TEREKHIN 1986	Mezak Ernest Aleksandrovich Saint-Barthélemy d'Anjou	Anti-corruption protest Komsomolsk-on-Amur 26/03/2017	Article 19.3 § 1 of CAO	3 days' detention	Khabarovsk Regional Court 11/05/2017	Art. 6 (1) - lack of impartiality of tribunal - Complaint about absent prosecuting party. Final decision: Khabarovsk Regional Court on 11/05/2017	4,000
19.	79948/17 15/11/2017	Maksim Sergeyevich TOROKHTIY 1995	Gaynutdinov Damir Ravilevich Sofia, Bulgaria	Anti-corruption meeting Ekaterinburg 26/03/2017	Article 20.2 § 5 of CAO	fine of RUB 10,000	Sverdlovsk Regional Court 17/05/2017	Art. 5 (1) – unlawful deprivation of liberty, including unrecorded detention and detention without a judicial order and any other legal basis – arrest and detention on 26/03/2017 for almost 3 hours in a police bus at the place of the events, then detention in a police station where the administrative offence record was drawn up; detention therefore exceeded 3 hours; raised on appeal	4,000
20.	80044/17 15/11/2017	Mikhail Yuryevich PEVTSOV 1986	Gaynutdinov Damir Ravilevich Sofia, Bulgaria	Anti-corruption protest Nizhniy Tagil 26/03/2017	Article 20.2 § 5 of CAO	fine of RUB 10,000	Sverdlovsk Regional Court 31/05/2017		3,500

ZVEREVA AND OTHERS v. RUSSIA JUDGMENT

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21.	80048/17 15/11/2017	Artem Yuryevich PEVTSOV 1993	Gaynutdinov Damir Ravilevich Sofia, Bulgaria	Anti-corruption protest Nizhniy Tagil 26/03/2017	Article 20.2 § 5 of CAO	fine of RUB 10,000	Sverdlovsk Regional Court 13/06/2017		3,500
22.	80220/17 16/11/2017	Anton Vladimirovich DRYNDIN 1991	Druzhkova Olga Vladimirovna Moscow	Anti-corruption manifestation Moscow 26/03/2017	Article 20.2 § 5 of CAO	fine of RUB 20,000	Moscow City Court 23/05/2017	Art. 5 (1) - unlawful deprivation of liberty, including unrecorded detention and detention without a judicial order and any other legal basis - arrest of the applicant on 26/03/2017 for the sole purpose of drawing up an administrative offence record; detention in excess of 3 hours; raised on appeal	4,000
23.	80484/17 08/11/2017	Nikolay Andreyevich ARTEMENKO 1989	Peredruk Aleksandr Dmitriyevich St Petersburg	Protest action St Petersburg 22/08/2017	Article 20.2 § 8 of CAO	fine of RUB 15,000	St Petersburg City Court 14/09/2017	Art. 5 (1) - unlawful deprivation of liberty, including unrecorded detention and detention without a judicial order and any other legal basis - arbitrary delivery to police station on 22/08/2017; the applicant was arrested at 01:45 p.m. on 22/08/2017 and was released only after the trial hearing on 23/08/2017; raised on appeal, Art. 6 (1) - lack of impartiality of tribunal - absence of a prosecuting party in the administrative proceedings. Final decision: St Petersburg City Court on 14/09/2017	4,000

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