Communicated on 7 October 2014

FIRST SECTION

Applications nos 46632/13 and 28671/14  
  
Aleksey Anatolyevich NAVALNYY against Russia  
and Petr Yuryevich OFITSEROV against Russia  
lodged on 24 June 2013 and 8 April 2014 respectively

STATEMENT OF FACTS

The first applicant, Mr Aleksey Anatolyevich Navalnyy, is a Russian national, who was born in 1976 and lives in Moscow. He is represented before the Court by Ms O. Mikhaylova, a lawyer practising in Moscow.

The second applicant, Mr Petr Yuryevich Ofitserov, is a Russian national, who was born in 1975 and lives in Moscow. He is represented before the Court by Ms S. Davydova, a lawyer practising in Moscow.

A.  The circumstances of the cases

The facts of the cases, as submitted by the applicants, may be summarised as follows.

The first applicant is a political activist, opposition leader, anti‑corruption campaigner and popular blogger. He is a lawyer and a member of the bar association in Moscow. The second applicant, a businessman, was at the material time a director of the limited liability company OOO Vyatskaya Lesnaya Kompaniya (*ООО «ВЛК»*, hereinafter – “VLK”).

In 2007 the Kirov Region’s Property Management Department founded the State Unitary Enterprise Kirovles (*КОГУП «Кировлес»*, hereinafter - “Kirovles”). According to its incorporation documents, Kirovles exercised commercial activities in wood cutting and timber processing. It comprised 36 timber mills registered as its structural branches. It appears that by 2009 Kirovles had been in substantial debt and continued to make losses.

In January 2009 the Governor of the Kirov Region invited first applicant as a volunteer counsellor on transparency of the region’s property management. Mr Navalnyy exercised this function *de facto*, before his official appointment on 21 May 2009. Among his projects, he had to participate in the steering of the region’s loss-making timber industry out of crisis.

In early 2009 the first applicant discussed the Kirovles financial and logistical problems with its director X and suggested to partner it with a timber trading company to bring in customers and in particular to curtail the Kirovles timber mills’ practice of direct sales for cash bypassing the Kirovles accounts. X agreed, and the first applicant invited the second applicant, who he knew to be interested in working in the industry, to set up the timber trading company. The second applicant registered the company, VLK, in March 2009.

On 15 April 2009 Kirovles, represented by X, concluded a sale contract with VLK, represented by the second applicant. Under the contract Kirovles undertook to supply timber to VLK’s customers; the specifications and the prices for the timber were indicated in 36 annexes to the contract which were signed between 15 April 2009 and 13 July 2009. VLK’s commission under the contract was 7% of the supplied goods’ value. Under the contract, from 12 May 2009 to 31 August 2009, Kirovles supplied VLK with 16,165,826 roubles (RUB, an equivalent of about 330,000 euros at the material time) worth of timber.

On unidentified date the stepdaughter of X and then director of the commercial department of Kirovles, Ms B, was employed by VLK as its deputy director general, working part-time.

In July-August 2009 the first applicant initiated the audit of Kirovles. In the light of its results, the Governor’s office set up a working group on reorganisation of Kirovles. The first applicant was appointed to the working group.

On 17 August 2009 the Kirov Region’s Property Management Department suspended X from the position of Kirovles director, and on 17 October 2009 he was dismissed on the grounds of mismanagement.

On 1 September 2009 Kirovles terminated the contract with VLK.

On 9 December 2010 the Kirov regional department of the Investigative Committee of the Russian Federation opened an inquiry on suspicion that the applicants had defrauded Kirovles by inducing its director to enter into a loss-making transaction. X, when questioned, stated that he had met Mr Ofitserov and Mr Navalnyy at the Governor’s office and had complained to them that Kirovles was making losses because of the falling timber prices and lack of customers among other reasons. Later Mr Navalnyy returned to him with the idea of setting up a trading intermediary, VLK, to bring customers to Kirovles, and they concluded the contract. He indicated that although VLK had paid average market prices for the timber he later realised that their commission and the terms of supply had cost Kirovles an extra, making it unprofitable. He therefore terminated the contract. X further stated that when concluding the contract he was under the impression that Mr Navalnyy had acted in his official capacity at the Governor’s office, and as a state enterprise director he had to comply with the decisions of the regional government. Two other former employees of Kirovles were questioned, including Ms B. and Kirovles deputy director Z., and they confirmed that although VLK had paid average market prices, Kirovles could have increased its margins by selling the timber directly and therefore it made limited profits on these sales. They also considered that the contract had been entered under the influence of both applicants who, in their director’s view, had acted for the Governor.

The second applicant was also questioned. He stated that he had approached X directly because he knew that Kirovles needed customers and he had offered to act as intermediary. There had been no pressure or deception of the other party, the prices were fair, and the first applicant was not involved in the negotiations.

On 11 January 2012 the Investigative Committee decided not to open criminal investigation on the grounds that the first applicant’s whereabouts could not be established and there was no certainty about the presence of *corpus delicti*.

On 12 January 2011 criminal proceedings were instituted against X concerning his alleged abuse of official powers, unrelated to VLK; he was suspected of preferential treatment of a different private company affiliated with X through his family.

On unidentified date the inquiry resumed in respect of the applicants. The investigator questioned X, Ms B., Kirovles deputy director Z., the Deputy Head of the Kirov Regional Government S. and both applicants. The first applicant stated, in particular, that after X had reported to the Governor on the losses of Kirovles and the lack of customers, the Governor made an appeal to businesses interested in commercial partnership with Kirovles. VLK responded among others; the Governor’s office did not ask Kirovles for any preferences for VLK and did not take part in the negotiation of their contract. The sales to VLK amounted only to 2% of total volume of Kirovles sales.

On 28 January 2011 the Investigative Committee decided not to open criminal investigation against the first applicant, given his lack of formal ties with VLK and to transfer the inquiry file in relation to the second applicant to the Kirov Regional Department of the Interior which had competence to decide whether there had been grounds to open criminal investigation.

On 7 February 2011 the inquiry resumed. The investigators questioned both applicants, X, Ms B, two former employees of Kirovles, two former employees of VLK and its then current director (the second applicant’s brother), as well as five high-ranking officials of the Kirov region, including the Governor.

On 9 February 2011 the Commercial Court of the Kirov Region placed Kirovles under administration.

On 3 March 2011 the Privolzhskiy Federal Circuit department of the Investigative Committee decided not to open criminal investigation in respect of the applicants.

On 10 May 2011, however, the acting Chief of the Investigation Division of the Investigative Committee decided to open criminal investigation against both applicants. The decision indicated that they were suspected of having inflicted damage on Kirovles through deception and abuse of trust of its director, an offence under Article 165 § 3 (b) of the Criminal Code.

During the investigation, which lasted for 11 months, both applicants were questioned, as well as X, Ms B., two former Kirovles employees and 19 directors of timber mills; the accounting documents of Kirovles and VLK were examined; three expert reports were commissioned from accounting, finance and economics experts. Based on this evidence, the investigators found no case to press against the applicants.

On 10 April 2012 the Kirov regional department of the Investigative Committee closed the criminal investigation against both applicants.

On 25 April 2012 the Investigative Committee reversed the decision of 10 April 2012.

On 5 July 2012 the Chief of the Investigative Committee made a public statement criticising his subordinates’ decision to close the criminal investigation against the first applicant; he implied that they had been intimidated into doing so.

On 30 July 2012 the investigator for high-profile cases of the Investigative Committee decided to open criminal investigation against X on suspicion that he had dissipated assets of Kirovles through VLK, in conspiracy with unidentified individuals, having thus committed an offence under Article 160 § 4 of the Criminal Code.

On the same day the case file against X was joined with the criminal case file against the applicants.

On 31 July 2012 charges were formulated against the first applicant under Article 160 § 4 of the Criminal Code. On 3 August 2012 the same charges were formulated in respect of X, and on 6 August 2012 in respect of the second applicant. They were all suspected of having conspired to dissipate the assets of Kirovles.

On 26 September 2012 the Deputy Prosecutor General granted X’s request to conclude a plea-bargaining agreement and to have his criminal case examined through an abridged procedure.

On 1 October 2012 the plea-bargaining agreement was signed between X and the prosecutors’ office. Among other conditions, X undertook to “actively provide the investigation with information” about “the involvement of Mr Ofitserov and Mr Navalnyy in the misappropriation [of assets], their roles in the commission of the crime, the specific steps taken to implement the criminal plan, including at the stage of preparation and conclusion of the sales contract and demonstration of its feasibility and utility.”

On 19 October 2012 the first applicant who had learned about the plea-bargaining agreement from the press filed a complaint with the Investigative Committee and the Prosecutor General alleging that it had breached his procedural rights in the criminal case against him. He requested that X’s case, if it had been severed, to be joined with their case file again.

On 21 November 2012 the prosecutor’s office replied that the plea‑bargaining agreement had been concluded lawfully.

On 5 December 2012 the first applicant seized the Leninskiy District Court with a complaint in which he challenged the decision to severe the criminal case file of X and to examine it in abridged procedure. On the same day he filed another complaint with the Prosecutor General in which he challenged the decision to disjoin X’s criminal file from his own.

On 10 December 2012 the Investigative Committee dismissed the request to join X’s criminal case file with the applicants’ case file.

On 18 December 2012 the prosecutor’s office replied that the files had been disjoined lawfully.

On 17 January 2013 the charges under Article 165 § 3 (b) of the Criminal Code were lifted in respect of both applicants. The charges under Article 160 § 4 of the Criminal Code were maintained and, on the same day, re‑formulated in respect of the second applicant.

On 24 December 2012 the Leninskiy District Court held the judgment in X’s case, after having examined it in abridged procedure, without examination of evidence. The court found X guilty of having dissipated Kirovles assets and handed him a suspended sentence of four years’ imprisonment with a three-year parole. The judgment indicated that X had acted in conspiracy with two persons, “N.” and “O.” and it contained, in particular, the following findings:

“... in the end of December 2008 - beginning of January 2009...the Governor of the Kirov Region ... met the directors of big state enterprises including [X] ... and introduced his volunteer counsellors including N, who was officially appointed to this function ... on 21 May 2009.

...

Approximately in January-February 2009 N. ... developed a criminal plan to misappropriate Kirovles assets in favour of a newly created entity under his control, to be founded and led by O.

...

Approximately in February-March 2009 N. continued to implement his criminal intent to dissipate the assets of Kirovles, directed the commission of the crime ... informed [X] about the forthcoming creation of intermediary enterprise ... aimed at dissipating the assets in [X’s] charge.

[X] ... did not take any steps to prevent N.’s unlawful acts, agreed with him, having thus entered in criminal conspiracy with N. and O., aiming at large-scale dissipation of the assets ... entrusted to him.

To implement N.’s criminal plan, O., acting in concert with him, created in March 2009 ... a limited liability company “OOO VLK” ... having thus facilitated the commission of the crime ...

...

Later on, [X]. ... acting deliberately and in concert with N. and O., signed a sales contract with VLK ... with full realisation of the damaging consequences ... because of the absence of adequate collateral on the part of VLK ...

...

In doing so, [X], N. and O. had sound knowledge that OOO VLK would pay the goods under the terms provided for by the contract and its annexes at the price known to be lower than the one Kirovles could have received without the intermediary ...

...

In the period between 15 April 2009 and 13 July 2009 ... [X] and O., acting in conspiracy with N., who had organised the crime and directed its implementation, signed 36 annexes to the contract ... which stipulated ... the price which was deliberately reduced by all partners in crime without any economic need compared to the price Kirovles could have sold its produce for if supplied the customers of VLK directly.

...

While doing so, N. and O. realised that [X] was unlawfully depriving Kirovles of the possibility of independent sale of its timber products at market prices and thus placing its timber products at VLK’s disposal without an adequate and equivalent reimbursement of its market value.

In the period between 15 April 2009 and 30 September 2009, in Kirov, [X], acting in abuse of his official position, and O., acting in conspiracy with and on the instructions of N., deliberately implemented the terms of the sales contract ... and its annexes ...

...

Therefore [X], acting in premeditated conspiracy with N. and O., out of acquisitive motives abused his official position, ... unlawfully dissipated the assets he was in charge of ... to the benefit of third persons – partners in crime and OOO VLK under their control, having this caused significant damage to the assets of their owner, Kirovles.

The Deputy Prosecutor General ... proposed to apply abridged procedure of the judicial hearing and holding the judgment ... in respect of [X] ...

The accused [X] has pleaded guilty to the entirety of charges, accepted the indictment and the proposal ... of the abridged procedure on the basis of the concluded plea-bargaining agreement.

...

Information stated by [X] in compliance with the terms of the concluded plea-bargaining agreement, is full and true and is corroborated by the evidence gathered in the case. The court therefore concludes that [X] has complied with the obligations set out in the plea-bargaining agreement, and therefore the judgment may be held in respect of the accused without the examination of evidence in accordance with the procedure set out in Article 316 of the Code of Criminal Procedure as required by Article 317.7 of the Code of Criminal Procedure.”

On 3 January 2013 the applicant lodged an appeal against the judgment held in X’s case. He challenged, in particular, the abridged procedure applied in that case, the fact that it had been disjoined from the case against the applicants and alleged that the judgment had been prejudicial for the outcome their case.

On 9 January 2013 the judgment against X entered into force.

On 17 January 2013 the Leninskiy District Court informed the first applicant that he could not appeal against the judgment in X’s case because he had not been a party to those proceedings. For the same reason the first applicant was denied access to the verbatim records of the court hearing.

On 20 February 2013 the first applicant filed a complaint with the Kirov Regional Court about the refusal to consider his appeal.

On 13 March 2013 the Deputy President of the Kirov Regional Court replied to the applicant that his appeal could not be examined because he had not been a party to the proceedings. Moreover, he indicated that the judgment against X could not be prejudicial to the applicant; his guilt had not been established, he had not participated in those proceedings and his name had not been mentioned in the judgment.

On 20 March 2013 the indictment was issued in respect of both applicants.

On 3 April 2013 the Leninskiy District Court fixed the hearing in the applicants’ case for 13 April 2013.

On 10 June 2013 the applicants filed a request with the Leninskiy District Court to exclude the judgment held by the same court in the case of X. They argued, in particular, that admitting the judgment as evidence would prejudice the outcome of their case.

On 11 June 2013 the Leninskiy District Court dismissed the request for the exclusion of evidence on the grounds that the judgment against X had not predetermined the applicants’ guilt and, moreover, their names had not been mentioned in that judgment.

During the hearing, X was called and examined as a witness. He was first questioned by the public prosecutors. After that the prosecutors requested to read out his statements given at the investigation on the grounds that he could not remember some details and had given contradictory answers to some questions. The applicants objected on the grounds that during the investigation X had made the statements in the capacity of the accused, he had not been under the oath and the accused had a right to make false statements. Moreover, reading out his previous statements, especially in full, would hinder his cross-examination by the defence counsel as it would remind the witness the “correct” version of events he had accepted during his trial but could not remember at the applicants’ hearing. The court dismissed these objections and allowed reading out the statements made by X at the investigation, in full. The applicants and their defence counsels questioned X. afterwards.

In the same manner the court allowed, despite the applicants’ objections, reading out the statements of Ms B. and seven other witnesses. Each of them was first questioned by the prosecutor, then their earlier testimonies and statements were read out in their presence and only then the defence counsels could question them.

On 10 June 2013 and on 2 July 2013 the applicants’ challenge to the trial judge was rejected.

On 11 June 2013 the court dismissed the applicants’ request to exclude the materials obtained through the interception of the applicants’ telephone calls. On 3 July 2013 it admitted these materials as evidence.

On 18 June 2013 and on 2 July 2013 the applicants’ requests to call and examine certain witnesses were rejected.

On 2 and 3 July 2013 the court rejected the applicants’ request to obtain the following evidence: the documents relating to the Kirovles insolvency proceedings, the Kirovles financial reports, the approved list of standard minimum prices for timber, the full records of intercepted telephone calls between the applicants, the materials relating to the criminal proceedings against X instituted on 12 January 2011 and the criminal case file relating to X’s conviction in Kirovles case.

On 3 July 2013, at the applicants’ request, the court admitted as evidence the report issued by a trade specialist indicating that the prices paid by VLK to Kirovles were above average. On the same day it rejected their request to commission an expert report by finance, economics and merchandising experts.

On 17 July 2013 the first applicant was registered as a candidate for the Moscow mayor elections.

On 18 July 2013 the Leninskiy District Court held a judgment finding the applicants guilty as charged. The court relied heavily on the testimonies of X and his statements given during the investigation. It also relied on the testimonies and statements of 44 witnesses, the materials obtained through operational-search activities, in particular the interception of email correspondence and telephone calls between the applicants, the accounting documents and the expert reports. The judgment in respect of X was mentioned as follows:

“It follows from the judgment of the Leninskiy District Court of Kirov held on 24 December 2012 that [X] was found guilty of dissipation of assets, that is the misappropriation of Kirovles assets entrusted to [X], on especially large scale, committed through abuse of his official position, in conspiracy with N. and O., which [constituted] a criminal offence provided for by Article 160 § 4 of the Criminal Code.”

The court noted further that it found X’s testimonies, as well as his statements made during the investigation, truthful and concordant with other evidence; it also found them admissible and lawfully obtained.

The court dismissed the first applicant’s allegations of political persecution or revenge of individuals who lost their jobs at Kirovles or otherwise disconcerted with his role in reforming the timber industry in the Kirov region.

The court noted that the first applicant was not accused of, or convicted for, any abuse of his official position at the Governor’s office for he had no such powers that he could abuse. It also noted that the applicants were not accused of entering into a contract that had no legal force. It stated that:

“On the contrary, what is imputed to the [applicants] is organising and facilitating the dissipation of Kirovles assets through concluding the sales contract with OOO VLK intended exclusively to create an impression that Kirovles had civil-law obligations towards OOO VLK to transfer timber goods to the shipment recipients, as if for a collateral, whereas in reality the goods would be transferred without an equivalent and adequate collateral from OOO VLK.”

As regards the legal qualification of the applicants’ offences the court held as follows:

“According to the ruling of the Plenary of the Supreme Court of the Russian Federation no. 51 dated 27 December 2007 “On Jurisprudence in Cases Concerning Fraud, Misappropriation or Embezzlement”, the perpetrator of misappropriation or embezzlement may only be a person entrusted with another legal person’s or individual’s assets, based on legal grounds for a specific purpose or for a defined activity. Based on the provisions of Article 34 § 4 of the Criminal Code, persons who do not possess these special subject characteristics qualifying [them] for misappropriation or embezzlement, but who directly participated in the stealing of assets pursuant to the prior agreement with the person entrusted with the assets, must be criminally liable under Article 33 in conjunction with Article 160 of the Criminal Code in the capacity of organisers, inciters or facilitators.

It follows from the judgment of the Leninskiy District Court of Kirov held on 24 December 2012, which has entered into force, the perpetrator of the crime imputed to Mr Navalnyy and Mr Ofitserov, was found to be [X] who had been entrusted with Kirovles assets as its director general. The acts of [X] were classified by the court as falling under Article 160 § 4 of the Criminal Code.”

The court estimated that the damage caused to Kirovles amounted to RUB 16,165,826. It concluded that the first applicant was guilty of organising the stealing of Kirovles assets by X, and the second applicant of facilitating the stealing, within the meaning of Article 160§ 4 of the Criminal Code. The first applicant was sentenced to five years of imprisonment and a fine of RUB 500,000, and the second applicant was sentenced to four years of imprisonment and a fine of RUB 500,000. They were both committed to serving the sentence in a correctional colony.

The applicants were arrested in the courtroom and placed in custody.

On the same day the prosecutor’s office of the Kirov Region requested the court to release the applicants pending appeal, in particular with reference to the first applicant’s being a registered candidate for Moscow mayor elections.

On 19 July 2013 the Kirov Regional Court granted the request and released the applicants on parole.

On 26 July 2012 the applicants filed an appeal against the judgment of 18 July 2013.

On 13 September 2013 the applicants challenged the accuracy of the verbatim record of the first-instance hearing. The requested amendments were set out in a 89 pages long document.

On 27 September 2013 the Leninskiy District Court accepted a minor part of amendments and rejected the rest.

On 2 and 3 October 2013 the applicants filed additional points of appeal.

On 16 October 2013 the Kirov Regional Court dismissed the applicants’ appeal and upheld the first-instance judgment in substance. It amended the sentence and convicted both applicants to a suspended five-year prison sentence with undertaking not to change the place of residence.

On 7 February 2013 the applicants filed a cassation appeal. There is no information if the cassation appeal has been examined.

On 28 February 2014 the Basmannyy District Court held to place the first applicant under the house arrest pending another, unrelated, criminal case against him. To justify the application of this measure of restraint the court referred, among other factors, to the first applicant’s prior criminal conviction in Kirovles case. The conditions imposed for the duration of the house arrest included a number of restrictions, in particular the ban on any communications with persons other than his immediate family and legal counsels, the ban on the use of Internet and the ban on making public statements or media comments. It appears that the first applicant remains under the house arrest to date.

B.  Relevant domestic law

The Criminal Code of the Russian Federation provides as follows:

Article 160. Misappropriation or embezzlement

1**.**Misappropriation or embezzlement, that is, the stealingof other people’s property entrusted to the convicted person, **...**

**...**

4.  The actions provided for by paragraphs 1, 2 or 3 of this Article, which are committed by an organised group or on an especially large scale -

Shall be punishable by deprivation of liberty for a term of up to ten years with or without a fine in the amount of up to one million roubles or in the amount of the wage or salary, or any other income of the convicted person for a period of up to three years and with restriction of liberty for a term of up to two years or without such.

Article 165.  Infliction of property damage through deception or abuse of confidence

1.  Infliction of property damage upon the owner or other possessor of property through deception or abuse of confidence where there is no evidence of embezzlement on a large scale -

shall be punishable with a fine in the amount of up to 300 thousand roubles, or in the amount of a wage/ salary or any other income of the convicted person for a period of up to two year, or with community works for a term of up to two years with restraint of liberty for a term of up to one year or without such, or with deprivation of liberty for a term of up to two years with a fine in the amount of up to eighty thousand roubles or in the amount of a wage/ salary, or other income of the convicted person for a period of up to six months or without such and with restraint of liberty for a term of up to one year or without such.

2.  The actions provided for in paragraph 1 of this Article: (a) committed by a group of persons by prior concert or by an organised group; (b) that has inflicted damage on a large scale - shall be punishable by community works for a term of up to five years with restraint of liberty for a term of up to two years or without such or with deprivation of liberty for a term of up to five years accompanied by a fine in the amount of up to eighty thousand roubles or in the amount of a wage/salary, or other income of the convicted person for a period of up to six months or without such and by restraint of liberty for a term of up to two years or without such.

COMPLAINTS

The applicants complain under Article 6 § 1 of the Convention that the criminal proceedings against them fell short of guarantees of fair hearing.

They also allege a violation of the presumption of innocence with particular reference to the decision to disjoin the proceedings against X from their case and the use of evidence originating from the proceedings against X in the proceedings against them. This complaint falls to be examined under Article 6 §§ 1 and 2 of the Convention.

They applicant further complain under Article 6 § 3(d) of the Convention about the procedure the court followed when examined X and other witnesses and the way the court admitted their statements made during the investigation and the criminal proceedings against X.

The applicants also complain under Article 7 of the Convention that the legal provision on the basis of which they have been convicted required the authorities to extend the interpretation of the offence to such broad and ambiguous terms that it did not satisfy the requirements of foreseeability.

Finally, they allege that their prosecution and criminal conviction pursued purposes other than bringing them to justice, but were applied in order to prevent the first applicant from pursuing his public and political activity. They rely on Article 18 of the Convention.

QUESTIONS TO THE PARTIES

1.  Having regard to the applicants’ specific allegations in respect of the criminal proceedings, did they receive a fair hearing by an independent and impartial tribunal in accordance with Article 6 §§ 1, 2 and 3 (d) of the Convention? The Government are invited to answer, in particular, the following questions:

(i)  Was the decision to disjoin the criminal proceedings against X from the criminal proceedings against the applicants compatible with the guarantees of Article 6 §§ 1 and 2?

(ii)  Was the use of evidence originating from the criminal proceedings against X in the criminal proceedings against the applicants compatible with the guarantees of Article 6 §§ 1 and 2?

(iii)  Was the reading out during the trial in the applicants’ criminal case of the witnesses’ statements made during the investigation and the criminal proceedings against X compatible with Article 6 §§ 1 and 3 (d) of the Convention?

(iv)  Was the use by the trial court in the applicants’ criminal case of the witnesses’ statements made during the investigation and the criminal proceedings against X compatible with Article 6 §§ 1 and 3 (d) of the Convention?

2.  Did the acts for which the applicants were convicted constitute a criminal offence under national law at the time when it was committed, as envisaged by Article 7 of the Convention? In particular, was the offence of which the applicants were convicted clearly defined in law (see *Kokkinakis v. Greece*, judgment of 25 May 1993, Series A no. 260‑A, p. 22, § 52)?

3.  Did the applicants’ prosecution and criminal conviction pursue the purpose other than bringing them to justice? In particular, did the authorities pursue the purpose of undermining the first applicant’s rights to freedom of assembly and expression, as he alleges, in breach of Article 18 of the Convention (see *Gusinskiy v. Russia*, no. 70276/01, ECHR 2004‑IV)?

Appendix

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| --- | --- | --- | --- | --- |
| No | Application No | Lodged on | Applicant  Date of birth /  Place of residence / Nationality | Represented by |
|  | 46632/13 | 24/06/2013 | **Aleksey Anatolyevich NAVALNYY**  04/06/1976  Moscow  Russian | Olga Olegovna MIKHAYLOVA |
|  | 28671/14 | 8/04/2014 | **Petr Yuryevich OFITSEROV**  4/05/1975  Moscow  Russian | Svetlana Viktorovna DAVYDOVA |