

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

THIRD SECTION

DECISION

Application no. 23944/13
Nina Tagirovna BELYAYEVA
against Russia
(see appended table)

The European Court of Human Rights (Third Section), sitting on 5 March 2026 as a Committee composed of:

Úna Ní Raifeartaigh*, President*,
Mateja Đurović,
Vasilka Sancin*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application 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") on 25 February 2013,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicants,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant's complaints under Article 10 of the Convention concerning the disproportionate measures against solo demonstrators were communicated to the Russian Government ("the Government"). Complaints based on the same facts were also communicated under other provisions of the Convention.

THE LAW

A. Complaint under Article 10 of the Convention about disproportionate measures against solo demonstrators

The applicant complained under Article 10 of the Convention that her involuntary short-term transfer to a medical facility on 4 July 2011 (see the appended table) was a disproportionate interference with her freedom of expression.

Having examined all the material before it, the Court finds that the applicant, while focusing on various aspects pertaining to the deprivation of liberty, did not raise the freedom of expression issue on appeal, either expressly or in substance, in either sets of the domestic civil proceedings initiated by her. Accordingly, she did not complain of the alleged violation in a manner which leaves no doubt that the same complaint that was subsequently submitted to the Court had indeed been raised at the domestic level (see *Fu Quan, s.r.o. v. the Czech Republic* [GC], no. 24827/14, §§ 171-72, 1 June 2023; *Kandarakis v. Greece*, nos. 48345/12 and 2 others, § 77, 11 June 2020; and, in relation to a complaint that was not raised, even implicitly, at the final level of jurisdiction, *Association Les témoins de Jéhovah v. France* (dec.), no. 8916/05, 21 September 2010) and therefore failed to properly exhaust domestic remedies. In any event, documents submitted by the parties suggest that the applicant's transfer to a hospital and, accordingly, a de facto termination of her static demonstration, were rather connected to the applicant's apparently agitated and violent interaction with the others on the impugned date (contrast to *Novikova and Others v. Russia*, nos. 25501/07 and 4 others, §§182-84, 26 April 2016).

In view of the above, the Court finds that this complaint must be rejected in accordance with Article 35 §§ 1, 3 and 4 of the Convention.

B. Remaining complaints

The applicant also raised other complaints under various provisions of the Convention, including Article 5 § 1 and Article 10 of the Convention as set out in the appended table. Turning notably to the complaints under Article 5 of the Convention, the Court accepts that, notwithstanding the relatively short duration of the events, the applicant was deprived of liberty during the periods indicated in the appended table (compare *Aftanache v.Romania*, no. 999/19, § 82, 26 May 2020, and *Zelčs v. Latvia*, no. 65367/16, § 40, 20 February 2020).

The Court has examined these remaining complaints and considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, as well as the applicable case-law (see, in particular, *O.G. v. Latvia* (dec.), no. 6752/13, § 29, 30 June 2015;

Ursulet v. France (dec.), no. 56825/13, §§ 47-49, 8 March 2016; *Kasparov and Others v. Russia (no. 2*), no. 51988/07, §§ 39-40, 13 December 2016 and *Belan and Sviderskaya v. Russia* [Committee], nos. 42294 and 42585/13, § 50, 12 February 2019, in so far as the issues raised under Article 5 of the Convention are concerned; and *Prager and Oberschlick v. Austria*, 26 April 1995, § 34, Series A no. 313, and *Skałka v. Poland*, no. 43425/98, § 41, 27 May 2003, in so far as the issues raised under Article 10 are concerned; compare and contrast further to *Karuyev v. Russia*, no. 4161/13, § 23, 18 January 2022, and *Skałka,* cited above, § 42), these complaints either do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

It follows that this part of the application must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 26 March 2026.

Viktoriya Maradudina Acting Deputy Registrar	Úna Ní Raifeartaigh President

APPENDIX

Application raising complaints under Article 10 of the Convention (disproportionate measures against solo demonstrators)

Application no. Date of introduction	Applicant's name Year of birth	Location Date Purpose of the demonstration	Administrative charges Penalty	Final domestic decision Date Name of the court	Other complaints under well-established case-law
23944/13 25/02/2013	**Nina Tagirovna BELYAYEVA** 1956	Moscow, entrance of the clinical hospital no. 7 (the applicant's employer) 04/07/2011 Expressing dissatisfaction with the Chief Doctor of the hospital's actions	none	14/12/2012 Moscow City Court (dismissal of the applicant's civil claim for non-pecuniary damage against the police officers, the paramedics' office and the State in connection with her transfer to hospital no. 14 of Moscow), *and* 18/04/2013 Moscow City Court (dismissal of the applicant's civil claim to declare unlawful actions of the psychiatrists who examined her in psychiatric hospital no. 14 on 04/07/2011)	Art. 5 (1) - unlawful detention – (1) pursuant to a call from a psychiatrist of clinical hospital no. 7 of Moscow (the applicant's employer) in connection with the applicant's agitated behaviour during her solo demonstration of 04/07/2011, and due to her aggressive behaviour towards the police and paramedics, between 9.40 a.m. and 10.30 a.m. on that day the applicant was transferred by an ambulance team to psychiatric hospital no. 14 of Moscow for a medical examination at the admissions room, which was held between 10.30 and 11.50 on that date; once the examination was completed and the doctors concluded that the applicant had not posed danger to the others or herself, she refused further checks or hospitalisation and left the hospital, (2) as the applicant was sticking up flyers on the court's walls and fences and had failed to discontinue her actions despite a bailiff's repeated requests, she was invited by a court bailiff to the court's premises (according to the Government), or factually deprived of liberty (according to the applicant) from 10.50 a.m. to 1 p.m. on 03/04/2013 at the Moscow Regional Court's premises while an offence record in connection with her sticking up flyers on the court's walls was being compiled, (3) arrest at 1.30 p.m., transfer to a police station and detention between 1.50 p.m. and 3 p.m. (when she appeared before the first-instance court) on 23/04/2013 "for compiling administrative material" in connection with her failure to discontinue her sticking flyers on the court's walls and fences,

Application no. Date of introduction	Applicant's name Year of birth	Location Date Purpose of the demonstration	Administrative charges Penalty	Final domestic decision Date Name of the court	Other complaints under well-established case-law
					Art. 10 (1) - various restrictions on the right to freedom of expression: (i) Moscow, 03/04/2013, sticking up flyers containing foul language and obscene statements concerning the President of the Moscow City Court on the building of the Moscow City Court and on the fences to protest against protracted examination of her complaints by that court - conviction under Article 17.3 of CAO (failure to obey a court bailiff's order), fine of RUB 1,000, final judgment: 10/06/2013, Preobrazhenskiy District Court of Moscow, *and* (ii) Moscow, 23/04/2013, Sticking up flyers containing foul language and obscene statements concerning the President of the Moscow City Court on the building of the Moscow City Court and on the fences to protest against protracted examination of her complaints by that court - conviction under Article 20.1 of CAO (petty hooliganism), fine of RUB 2,500, final judgment: 24/05/2013, Moscow City Court