

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

THIRD SECTION

CASE OF IVANOV v. RUSSIA

(Application no. 45317/14)

JUDGMENT

STRASBOURG

10 July 2025

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



In the case of Ivanov v. Russia,

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

Diana Kovatcheva*, President*,
Canòlic Mingorance Cairat,
Vasilka Sancin*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 19 June 2025,

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

PROCEDURE

1. The case originated in an application against Russia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 29 May 2014.

2. The applicant was represented by Memorial Human Rights Centre, a lawyer practising in Moscow.

3. The Russian Government ("the Government") were given notice of the application.

THE FACTS

4. The applicant's details and information relevant to the application are set out in the appended table.

5. The applicant complained of the secret surveillance in the context of criminal proceedings. He also raised other complaints under the provisions of the Convention.

THE LAW

I. JURISDICTION

6. The Court observes that the facts giving rise to the alleged violations of the Convention occurred prior to 16 September 2022, the date on which the Russian Federation ceased to be a party to the Convention. The Court therefore decides that it has jurisdiction to examine the present application (see *Fedotova and Others v. Russia* [GC], nos. 40792/10 and 2 others, §§ 68-73, 17 January 2023).

II. ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

7. The applicant complained principally of the secret surveillance in the context of criminal proceedings. He relied on Article 8 of the Convention.

8. The Court reiterates that the measures aimed at interception of telephone communications amounted to an interference with the exercise of the rights set out in Article 8 of the Convention. Such interference will give rise to a breach of the Convention unless it can be shown that it was "in accordance with law", pursued one or more legitimate aim or aims as defined in the second paragraph and was "necessary in a democratic society" to achieve those aims (see, among other authorities, *Zubkov and Others v. Russia*, nos. 29431/05 and 2 others, §§ 120 and 122 in fine, 7 November 2017).).

9. In the leading cases of *Bykov v. Russia* [GC], no. 4378/02, 10 March 2009, *Akhlyustin v. Russia*, no. 21200/05, 7 November 2017, *Zubkov and Othe*rs, cited above, *Dudchenko v. Russia*, no. 37717/05, 7 November 2017, *Moskalev v. Russia*, no. 44045/05, 7 November 2017, and *Konstantin Moskalev v. Russia*, no. 59589/10, 7 November 2017, the Court has already found a violation in respect of the issues similar to those in the present case. In particular, in *Dudchenko*, the domestic courts' failure to verify, when authorising covert surveillance in respect of the applicant, whether there was a "reasonable suspicion" against him and to apply the "necessity in a democratic society" and "proportionality" tests has led the Court to conclude to a violation of the applicant's right set out in Article 8 of the Convention (see ibid., §§ 97-100).

10. 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 on the admissibility and merits of these complaints. There is no evidence that any information or document confirming the suspicion against the applicant was submitted to the courts which authorised interception of the applicant's telephone conversations. Nor is there any indication that those courts applied the test of "necessity in a democratic society", and, in particular, assessed whether the surveillance measures carried out against the applicant were proportionate to any legitimate aim pursued.

11. These complaints are therefore admissible and disclose a breach of Article 8 of the Convention.

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

12. The applicant 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 in the light of its well-established case-law (see *Matytsina v. Russia*, no. 58428/10, §§ 176-81

and 185-92, 27 March 2014, *Khodorkovskiy and Lebedev v. Russia* (no. 2), nos. 51111/07 and 42757/07, §§ 486-99, 14 January 2020, and *Pichugin v. Russia* [Committee], no. 38958/07, §§ 35-38, 6 June 2017, concerning the lack of an adequate opportunity for the applicant to effectively contest the crucial pieces of evidence commissioned and obtained unilaterally by the prosecution).

IV. REMAINING COMPLAINTS

13. The applicant also raised other complaints under Articles 6, 10 and 11 of the Convention in relation to the criminal proceedings in his case.

14. In view of the findings in paragraphs 7-12 above, the Court considers that there is no need to deal separately with the complaint under Article 10 of the Convention.

15. The Court has examined the remaining complaints under Articles 6 and 11 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, 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.

V. APPLICATION OF ARTICLE 41 OF THE CONVENTION

16. Regard being had to the documents in its possession and to its case-law (see, in particular, *Akhlyustin,* cited above, *Zubkov and Others,* cited above, *Dudchenko,* cited above, *Moskalev,* cited above, and *Konstantin Moskalev,* cited above), the Court considers it reasonable to award the sums indicated in the appended table and dismisses the remainder of the applicant's claims for just satisfaction.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Holds* that it has jurisdiction to deal with this application as it relates to facts that took place before 16 September 2022;

2. *Declares* the complaints under Article 8 of the Convention concerning the secret surveillance in the context of the criminal proceedings and the other complaints under the well-established case-law of the Court, as set out in the appended table, admissible, *holds* that there is no need to examine the complaint under Article 10 of the Convention, and *declares* the remainder of the application inadmissible;

3. *Holds* that this application discloses a breach of Article 8 of the Convention concerning the secret surveillance in the context of the criminal proceedings;

4. *Holds* that there has been a violation of the Convention, as regards the other complaints raised under the well-established case-law of the Court (see the appended table);

5. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the amounts indicated in the appended table, to be converted into the currency of the respondent State 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.
   Dismisses the remainder of the applicant's claims for just satisfaction.

Done in English, and notified in writing on 10 July 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina	Diana Kovatcheva
Acting Deputy Registrar	President

APPENDIX

Application raising complaints under Article 8 of the Convention (secret surveillance in the context of criminal proceedings)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Type of secret surveillance	Date of the surveillance authorisation Name of the issuing authority	Other relevant information	Specific defects	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[1]
45317/14 29/05/2014	**Ilya Arsentyevich IVANOV** 1955	Memorial Human Rights Centre Moscow	interception of telephone communications	13/04/2011 and 08/08/2012, Supreme Court of the Chuvashia Republic	The interception of communications concerned an offence under Art. 282.1 of the Criminal Code ("Organisation of an extremist community"); no indication of any related prosecution against the applicant. The interception material then served to sentence him to community work under Art. 282 of the Criminal Code ("Incitement of enmity or hatred") because of a newspaper article (judgment of 10/10/2013 upheld on 29/11/2013 by Supreme Court of the Chuvashia Republic); he was absolved from serving the sentence due to the expiry of the prosecution period	the use of "surveillance" or "operative experiment" measures not accompanied by sufficient safeguards against arbitrariness ("quality of law")	Art. 6 (1) - unfair criminal proceedings - the applicant was not afforded an adequate opportunity to effectively contest the crucial pieces of evidence commissioned and obtained unilaterally by the prosecution (linguistic expert reports of 08/10/2012 and 22/02/2013); a favourable "specialist report" was declared inadmissible, essentially, because it had been obtained by the defence unilaterally, the courts refused to hear its authors in any capacity, and refused to order another linguistic examination of the impugned article	7,500 in respect of non-pecuniary damage, 1,973 in respect of the costs and expenses incurred in the proceedings before the domestic courts

[1] Plus any tax that may be chargeable to the applicant.