

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

THIRD SECTION

CASE OF MISHARIN v. RUSSIA

(Applications nos. 4873/18 and 2 others –
see appended list)

JUDGMENT

STRASBOURG

13 November 2025

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



In the case of Misharin v. Russia,

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

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

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 23 October 2025,

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 applicant was represented by Mr K. Terekhov, a lawyer practising in Moscow and by Mr A. Glukhov, a lawyer practising in Novocheboksarsk.

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

THE FACTS

4. The relevant details of the applications are set out in the appended table.

5. The applicant complained of the disproportionate measures taken against him as organiser or participant of public assemblies. He also raised other complaints under the provisions of the Convention.

THE LAW

I. JOINDER OF THE APPLICATIONS

6. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

II. JURISDICTION

7. 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 applications (see *Fedotova and Others v. Russia* [GC], nos. 40792/10 and 2 others, §§ 68-73, 17 January 2023).

III. ALLEGED VIOLATION OF ARTICLE 11 OF THE CONVENTION

8. The applicant complained principally of disproportionate measures taken against him as organiser or participant of public assemblies, namely his arrest in relation to the dispersal of these assemblies and his conviction for administrative offences. He relied, expressly or in substance, on Article 11 of the Convention.

9. 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).

10. 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.

11. 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 applicant's freedom of assembly were not "necessary in a democratic society".

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

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

13. 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.

14. Having examined all the material before it, the Court concludes that these complaints also disclose violations of the Convention in the light of its findings in *Butkevich v. Russia*, no. 5865/07, §§ 63-65, 13 February 2018, *Tsvetkova and Others v. Russia*, nos. 54381/08 and 5 others, §§ 115-31, 10 April 2018, and *Korneyeva v. Russia*, no. 72051/17, §§ 34-36, 8 October 2019, as to various aspects of unlawful deprivation of liberty of organisers or participants of public assemblies; *Karelin v. Russia*, no. 926/08, §§ 58-85,

20 September 2016, concerning the absence of a prosecuting party in the proceedings under the Code of Administrative Offences (the CAO).

V. REMAINING COMPLAINTS

15. The applicant raised another additional complaint under Article 6 of the Convention concerning other aspects of fairness of the administrative-offence proceedings. In view of the findings in paragraph 14 above, the Court considers that there is no need to deal separately with this remaining complaint (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014, and *Pleshkov and Others v. Russia*, nos. 29356/19 and 31119/19, §§ 71-72, 21 November 2023).

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

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;

2. *Holds* that it has jurisdiction to deal with these applications as they relate to facts that took place before 16 September 2022;

3. *Declares* the complaints under Article 11 of the Convention and the other complaints under the well-established case-law of the Court, as set out in the appended table, admissible, and *decides* that there is no need to examine separately the remaining complaint under Article 6 of the Convention;

4. *Holds* that there has been a breach of Article 11 of the Convention;

5. *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 appended table);

6. *Holds*

(a) that the respondent State is to pay the applicant, within three months, the amount 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 amount 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 13 November 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina Acting Deputy Registrar	Úna Ní Raifeartaigh President

APPENDIX

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

Application no. Date of introduction	Applicant's name Year of birth	Name of the public event Location Date	Administrative / criminal offence	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]
4873/18 17/01/2018 and 15706/19 12/03/2019 and 19097/19 23/03/2019	**Anatoliy Aleksandrovich MISHARIN** 1981	Anticorruption manifestation Syktyvkar 26/03/2017 Public manifestation Sytyvkar 05/05/2018	Article 20.2 § 1 of CAO Article 20.2 § 8 of CAO	fine of RUB 10,000 fine of RUB 150,000	Supreme Court of Komi Republic 19/07/2017 Supreme Court of the Komi Republic 26/09/2018	Art. 5 (1) – unlawful detention – (i) on 26/03/2017 during the manifestation; (ii) between 09/09/2018 and 11/09/2018: the police arrested the applicant on the charge of administrative fine evasion (he had allegedly failed to pay RUB 500 fine (approximately 5 euros) imposed on him prior for a violation of traffic regulations). The applicant remained in custody pending the administrative proceedings against him no evidence / assessment that it was impracticable, on the spot, to compile the offence record and achieve the objectives set out in Art. 27.1 CAO, e.g. to establish the suspect's identity: holding the applicant in custody for 3 days while he had to wait for an administrative trial: detention as an administrative suspect: beyond the three-hour statutory period (Art. 27.5(1)-(4) CAO) (see Tsvetkova and Others v. Russia, nos. 54381/08 and 5 others, §§ 121-22, 10 April 2018); Art. 6 (1) - lack of impartiality of tribunal in respect of the proceedings concluded on 26/09/2018 - absence of a prosecuting party in the administrative proceedings	6,500

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