

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

THIRD SECTION

CASE OF NIKITIN v. RUSSIA

(Application no. 14176/20)

JUDGMENT

STRASBOURG

6 February 2025

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



In the case of Nikitin v. Russia,

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

Diana Kovatcheva*, President*,
Úna Ní Raifeartaigh,
Mateja Đurović*, judges*,
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 16 January 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 5 March 2020.

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

THE FACTS

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

4. The applicant complained of the domestic courts' failure to ensure his participation in hearings in the civil proceedings to which he was party.

THE LAW

I. JURISDICTION

5. 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 6 § 1 OF THE CONVENTION

6. The applicant complained that his right to a fair hearing had been breached on account of the domestic courts' failure to properly and timeously notify him of hearings in the civil proceedings to which he was a party. He relied on Article 6 § 1 of the Convention.

7. The Court observes that the general principles regarding the right to present one's case effectively before the court and to enjoy equality of arms

with the opposing side, as guaranteed by Article 6 of the Convention, have been stated in a number of its previous judgments (see, among many other authorities, *Steel and Morris v. the United Kingdom*, no. 68416/01, §§ 59-60, ECHR 2005-II).

8. The applicant alleged that he had not been informed in due time of the date and place of the hearing in his case. The Court reiterates that domestic courts must make reasonable efforts to summon the parties to a hearing (see *Kolegovy v. Russia*, no. 15226/05, § 42, 1 March 2012, and *Babunidze v. Russia* (dec.), no. 3040/03, 15 May 2007). Litigants must also take appropriate measures to ensure effective receipt of correspondence the domestic courts may send them (see *Perihan and Mezopotamya Basın Yayın A.Ş. v. Turkey*, no. 21377/03, § 38, 21 January 2014; *Boyko v. Ukraine* (dec.), no. 17382/04, 23 October 2007; and *Darnay v. Hungary*, no. 36524/97, Commission decision of 16 April 1998). Moreover, the Court has noted that a lack or deficiency of reasons in domestic decisions as regards the proof of receipt of summonses by the applicant, as well as the domestic courts' failure to assess the necessity to adjourn hearings pending the applicant's proper notification or to delve on the nature of his legal claims which could have rendered the applicant's presence unnecessary cannot be made up *ex post facto* in the Court proceedings, for it cannot take the place of the national courts which had the evidence before them (see *Gankin and Others v. Russia,* nos. 2430/06 and 3 others, §§ 41-42, 31 May 2016*).*

9. In the leading case of *Gankin and Others*, cited above, the Court already found a violation in respect of issues similar to those in the present case.

10. Having examined all the material submitted to it and lacking any evidence of proper notification of the applicant, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of this complaint. Having regard to its case-law on the subject, the Court finds that by proceeding to consider the merits of the applicant's case without attempting to ascertain whether he had been or should have been at least aware of the date and time of the hearings, and, if he had not, whether the hearing should have been adjourned, the domestic courts deprived the applicant of the opportunity to present his case effectively and fell short of their obligation to respect the principle of fair trial enshrined in Article 6 of the Convention.

11. These complaints are therefore admissible and disclose a breach of Article 6 § 1 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

12. Regard being had to the documents in its possession and to its case-law (see, in particular, *Igranov and Others v. Russia,* nos. 42933/13 and

8 others, § 40, 20 March 2018), the Court considers it reasonable to award the sum indicated in the appended table.

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 application admissible;

3. *Holds* that this application discloses a breach of Article 6 § 1 of the Convention concerning the unfairness of the civil proceedings;

4. *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 6 February 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina Acting Deputy Registrar	Diana Kovatcheva President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention (applicant's absence from civil proceedings)

Application no. Date of introduction	Applicant's name Year of birth	Nature of the dispute Final decision	First-instance hearing date Court	Appeal hearing date Court	Final decision date Court	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) [1]
14176/20 05/03/2020	**Maksim Aleksandrovich NIKITIN** 1981	Claim for compensation of non-pecuniary damage against a hospital	11/03/2019 Oktyabrskiy District Court of Lipetsk	05/06/2019 Lipetsk Regional Court	02/12/2019 Supreme Court of Russia	1,500

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