

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

THIRD SECTION

DECISION

Application no. 25465/16
Sergey Ivanovich KONSTANTINOV against Russia
and 2 other applications
(see appended table)

The European Court of Human Rights (Third Section), sitting on 10 October 2024 as a Committee composed of:

Ioannis Ktistakis*, President*,
Oddný Mjöll Arnardóttir,
Diana Kovatcheva*, judges*,
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having regard to the observations submitted by the respondent Government,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants' complaints under Article 11 of the Convention concerning the restrictions on the location, time or manner of conduct of public events were communicated to the Russian Government ("the Government"). The applicant in application no. 34199/19 also complained under Article 13 of the Convention in relation to the same set of facts.

THE LAW

A. Joinder of the applications

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

B. Complaints under Article 11 (restrictions on the location, time or manner of conduct of public events) and Article 13 of the Convention (lack of effective domestic remedies)

The applicants complained about the restrictions imposed by the authorities on the location, time or manner of conduct of public events. The applicant in application no. 34199/19 about the lack of an effective domestic remedy in that regard.

1. Application no. 25465/16

The Court observes that the applicant challenged the decision of the Moscow Regional Security Department to ban his public event before the domestic courts under the Code of Civil Procedure. He instituted those proceedings five months after the planned date of his march. The Court has already held in *Alekseyev v. Russia* (nos. 4916/07 and 2 others, §§ 99 and 100, 21 October 2010) that the judicial remedy of a post-hoc character to which the applicant had recourse was not capable of providing an adequate redress for the alleged violation of Article 11 of the Convention. The applicant should therefore have been aware of the ineffectiveness of the judicial review as a remedy in respect of his complaints, so as to have reasonably anticipated the application of the six-month requirement in his case (see, for a similar approach, *Alekseyev and Others v. Russia*, nos. 14988/09 and 50 others, §§ 14-16, 27 November 2018). Accordingly, he should have lodged his complaints within six months of the date of the decision of the Moscow Regional Security Department to ban his march (see *Blatova and Others v. Russia* (dec.) [Committee], nos. 81928/12 and 6 others, 2 February 2023, and *Komarova v. Russia* (dec.) [Committee], no. 44570/11, § 18, 26 May 2020).

In view of the above, the Court finds that this application is inadmissible for non-compliance with the six-month rule and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

2. Applications nos. 9953/19 and 34199/19

The Court notes that the applicants challenged, under the Code of Administrative Procedure, the decisions of the local authorities refusing to approve the location or timing of their public events. The Government contended that the applicants had an effective remedy for their complaints under Article 11 of the Convention. The Court has previously held that a two-tier cassation review constitutes an effective remedy capable of providing redress in cases examined under the Code of Administrative Procedure (see *Chigirinova v. Russia* ((dec.), no. 28448/16, §§ 28-31, 13 December 2016). This approach has been reaffirmed in the context of judicial review of alleged restrictions on the freedom of peaceful assembly

(see *Pleshkov and Others v. Russia*, nos. 29356/19 and 31119/19, § 53-55, 21 November 2023). Therefore, the applicants should have availed themselves of the two-tier cassation review under the Code of Administrative Procedure but failed to do so without any apparent and valid justification.

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

The Court finally considers that the applicant's complaint under Article 13 of the Convention in application no. 34199/19 is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 7 November 2024.

Viktoriya Maradudina Acting Deputy Registrar	Ioannis Ktistakis President

APPENDIX

List of applications raising complaints under Article 11 of the Convention (restrictions on the location, time or manner of conduct of public events)

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Location Date of the public event planned	Restrictions applied	Decision by local authority Name of local authority Date	Final domestic decision (type of procedure) Date Name of the court	Other complaints under well-established case-law
1.	25465/16 27/04/2016	**Sergey Ivanovich KONSTANTINOV** 1979	Tsvingli Vladimir Igorevich Moskou	Moscow Equality March 03/05/2014	prohibition on holding the planned public assembly	Moscow Regional Security Department 25/04/2014	Judicial review under the Code of Civil Procedure Supreme Court of the Russian Federation 20/11/2015	
2.	9953/19 23/01/2019	**Eduard Anatolyevich NIKOLAYEV** 1971		Rostov-on-Don Rally "Freedom for Oleg Sentsov" 02/06/2018	proposal to change the time	Rostov-on-Don City Administration 30/05/2018	Judicial review under the Code of Administrative Procedure Rostov Regional Court 25/07/2018	
3.	34199/19 16/06/2019	**Vladimir Ivanovich OSTAPUK** 1955		March against corruption Sochi 28/08/2018	proposal to change the location	Sochi Town Administration 20/08/2018	Judicial review under the Code of Administrative Procedure Krasnodar Regional Court 12/03/2019	Art. 13 - lack of any effective remedy in domestic law in respect of the complaint under Article 11 of the Convention.