

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

THIRD SECTION

DECISION

Applications nos. 1013/13 and 12310/13
Aleksey Borisovich MALYGIN against Russia
and Yevgeniy Valeryevich POPOV against Russia

The European Court of Human Rights (Third Section), sitting on 15 June 2017 as a Committee composed of:

Luis López Guerra, *President,*
Dmitry Dedov,
Jolien Schukking, *judges,*

and Liv Tigerstedt, *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 and the observations in reply submitted by the applicants,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The two applicants were parties to various civil proceedings. The relevant details of the applications are set out in the appended table.

The applicants' complaints under Article 6 § 1 of the Convention concerning their absence from civil proceedings were communicated to the Russian Government ("the Government").

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 6 § 1 of the Convention (applicants' absence from civil proceedings)

The Court firstly notes the Government's argument that the applicants missed the six-month term for lodging the complaints before the Court or the deadline for submitting the duly filled-in application form. However, the documents in the Court's possession show that the applicants respected all the terms and deadlines imposed by the Court and that the Government's objection to that effect should therefore be rejected.

However, having examined all the materials before it, the Court considers that for the reasons stated below, the applicants' complaint about their absence from court hearings should be dismissed.

1. Application no. 1013/13

The Court notes that the national courts weighed the necessity of the applicant's personal presence at each hearing and, reasonably, decided that it was not necessary on every occasion.

As to the procedural arrangements with a view to upholding the fairness of the proceedings: first, on 2 December 2011, the applicant was brought before the court where he extensively stated the facts of the case and presented his arguments; second, upon the court's suggestion he invited a representative (his wife) but then on 5 December 2011 retracted that decision; third, the courts thoroughly examined the applicant's written submissions made to the courts of both instances.

2. Application no. 12310/13

The Court notes that the first-instance court sent a letter rogatory to Priuralsky District Court of Yamalo-Nenetskiy Region which on 31 January 2012 questioned the applicant on the merits of his complaint and accepted additional motions and evidence from him. The results of that questioning as well as the additional evidence submitted by the applicant were further examined by the first-instance court.

Moreover, the applicant was represented by his mother before the first-instance court.

The appeal court did not examine any new facts or evidence. The applicant filed an appeal where he stated all his arguments and the appeal court duly examined them.

3. Summary

In view of the above, the Court finds that these complaints are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

C. Remaining complaints

In application no. 12310/13 the applicant also raised other complaints under Article 6 of the Convention.

The Court has examined the 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, 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 application no. 12310/13 must be rejected in accordance with Article 35 § 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 6 July 2017.

Liv Tigerstedt
Acting Deputy Registrar

Luis López Guerra
President

APPENDIX

No.	Application no. Date of introduction	Applicant name Date of birth	Nature of the dispute Final decision	First-instance hearing date Court	Appeal hearing date Court
1.	1013/13 13/11/2012	**Aleksey Borisovich Malygin** 04/01/1966	pecuniary damages for poor quality of legal services	31/01/2012 Rzhev Town Court of the Tver Region	17/04/2012 Tver Regional Court
2.	12310/13 09/01/2013	**Yevgeniy Valeryevich Popov** 11/05/1973	non-pecuniary damages for bad conditions of detention	05/04/2012 Leninskiy District Court of Perm	01/10/2012 Perm Regional Court