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

THIRD SECTION

DECISION

Application no. 17658/18
Igor Nikolayevich NOVOSELOV and Others
against Russia
(see appended table)

The European Court of Human Rights (Third Section), sitting on 30 June 2022 as a Committee composed of:

Darian Pavli, *President,*
Andreas Zünd,
Mikhail Lobov, *judges,*
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 21 March 2018,

Having regard to the observations submitted by the respondent Government,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants and the details of the case are set out in the appended table. The applicants were represented by Mr A.B. Vologin.

The applicants' complaint under Article 6 § 1 of the Convention concerning their absence from a cassation hearing in civil proceedings was communicated to the Russian Government ("the Government").

THE LAW

The applicants complain that they were not properly notified about the cassation instance hearing of 17 October 2017. The Court observes however that the applicants were present and were able to submit their arguments in the first instance and appeal courts, both competent to deal with questions of facts and law. At the same time, according to Article 286 of the Code of Commercial Procedure, the cassation instance court deals with the questions of law only. Thus, it is not clear, and the applicants provided no explanation, why their personal presence was necessary at this stage (see *Gankin and*

Others v. Russia, nos. 2430/06 and 3 others, § 26, 31 May 2016, with further references).

Furthermore, it follows from the case materials that the information about the hearing of 17 October 2017 was published at the commercial courts database (*kadarbitr*) on 26 August 2017. Moreover, the applicants had ample opportunities to contact the cassation court registry to enquire about the date of the hearing, and they do not argue otherwise (see, for a recent example, *Plekhanova and Others v. Russia* (dec.) [Committee], nos. 12530/19 and 2 other applications, 17 December 2020). In the Court's view, if the applicants displayed due diligence, they should have been aware about that forthcoming hearing.

The Court reiterates in that sense that, unlike in criminal matters, the domestic courts cannot be held accountable for not tracking down absent parties to the civil proceedings (see *Saura Bustamante v. Spain* (dec.), no. 43555/98, 29 August 2000, and *Sevillano González v. Spain* (dec.), no. 41776/98, 2 February 1999), provided that such parties had knowledge of the civil action brought against them (see *Dilipak and Karakaya v. Turkey*, nos. 7942/05 and 24838/05, § 77, 4 March 2014).

In view of the above, the Court finds that the application 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,

Declares the application inadmissible.

Done in English and notified in writing on 21 July 2022.

Viktoriya Maradudina Acting Deputy Registrar	Darian Pavli 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 First-instance hearing date Court	Appeal hearing Date Court	First cassation Date Court	Final decision Date Court
17658/18 21/03/2018 (5 applicants)	**Igor Nikolayevich NOVOSELOV** 1966 **Nadezhda Alekseyevna NOVOSELOVA** 1964 **Raisa Timofeyevna ANISIMOVA** 1946 **Petr Ivanovich SHEVTSOV** 1952 **Sergey Firsovich SMIRNOV** 1965	The five applicants were creditors in bankruptcy proceedings. The dispute at issue concerns a request of the bankruptcy administrator to discharge the creditors' claims. 02/06/2017 Commercial Court of the Saratov Region	25/07/2017 Twelfth Commercial Appellate Court	17/10/2017 Commercial Court of the Povolzhye Region	14/02/2018 Supreme Court of Russia