

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

THIRD SECTION

DECISION

Application no. 43077/12
Dmitriy Aleksandrovich ZHDANOV against Russia
and 2 other applications
(see appended table)

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,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

All of the applicants were parties to various civil proceedings. The list of applicants and 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)

Under Article 6 § 1 of the Convention the applicants complained that they, as a prisoners, had been unable to attend court hearings in civil cases to which they were parties.

1. Applications nos. 43077/12 and 41280/13

The final decisions in the applicants' civil cases were adopted on 19 December 2011 (application no. 43077/12) and on 21 December 2012 (application no. 41280/13).

The applicants explicitly raised complaints about their absence from the civil proceedings in their application forms on 14 August 2012 and on 8 December 2013 respectively. Their application forms were dispatched on 25 August 2012 and on 24 December 2013 respectively.

In their first letters to the Court the applicants only invoked Article 6 of the Convention without formulating, even summarily, the complaints about their absence from civil proceedings (see *Allan v. the United Kingdom* (dec.), no. 48539/99, 28 August 2001, and, *a contrario, Barankevich v. Russia* (dec.), no. 10519/03, 20 October 2005).

2. Application no. 18248/13

The final decision in the applicant's civil case was adopted on 3 May 2012 and was received by the applicant on 31 May 2012. Therefore, the Court rejects the Government's arguments that the applicant's first letter to the Court sent on 14 November 2012 was belated *(see Kazantsev v. Russia*, no. 14880/05, § 35, 3 April 2012).

However, the Court accepts the Government's arguments that the applicant failed to comply with the instructions of the Court and respect the deadline for the submission of the completed application form. It therefore finds that the date of the introduction of the application was not the date when the applicant lodged his first letter with the Court, but rather the date when he sent the completed application form to it, which was on 31 May 2013 (see *Walichniewicz and Others v. Russia* (dec.), nos. 23617/09 and 3 others, 15 September 2016).

Therefore, the complaints about the absence of the three applicants from civil proceedings were raised more than six months after the respective final decisions.

In view of the above, the Court finds that these complaints are belated and must be rejected in accordance with Article 35 §§ 1 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 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.	43077/12 06/06/2012	**Dmitriy Aleksandrovich Zhdanov** 10/08/1979	non-pecuniary damages for unlawful criminal prosecution	08/06/2011 Kalininskiy District Court of Tyumen	19/12/2011 Tyumen Regional Court
2.	18248/13 31/05/2013	**Yevgeniy Valeryevich Skulyberdin** 28/08/1979	non-pecuniary damages for unlawful criminal prosecution	10/02/2012 Kopeysk Town Court of the Chelyabinsk Region	03/05/2012 Chelyabinsk Regional Court
3.	41280/13 21/05/2013	**Valeriy Ivanovich Yefremov** 18/01/1956	deprivation of parental rights	06/09/2012 Kem Town Court of the Republic of Kareliya	21/12/2012 Supreme Court of the Republic of Kareliya