



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

FIRST SECTION

Application no. 25157/06
RUSSIAN CONSERVATIVE PARTY OF ENTREPRENEURS
against Russia
lodged on 15 June 2006

STATEMENT OF FACTS

THE FACTS

The applicant is the Russian Conservative Party of Entrepreneurs based in Moscow. It is represented before the Court by Mr M. Toporkov, its chairman, and Mr P. Sklyarov, the head of its legal department.

A. The circumstances of the case

The facts of the case, as submitted by the applicant party, may be summarised as follows.

The applicant party was created in September 1998. On 19 December 1998 the Ministry of Justice formally registered the public association “Russian Conservative Party of Entrepreneurs”.

Following changes in domestic legislation, on 18 May 2002 a general conference of the public association decided on its reorganisation into a political party by the name of “Russian Conservative Party of Entrepreneurs”.

On 28 November 2002 the Ministry of Justice registered the applicant as a party in the Unified State Register of Legal Entities.

On 30 June 2003 the applicant party submitted to the Ministry of Justice copies of registration certificates in respect of thirty-eight regional branches. It also informed the Ministry that the registration of six other regional branches had been refused, that the refusals had been challenged before regional courts and the proceedings were still pending.

The applicant party did not receive any reply from the Ministry of Justice.

On 3 July 2003 the Ministry of Justice invalidated the applicant party's registration. It found that the applicant party had not submitted, within the statutory time-limit, copies of registration certificates in respect of regional branches in more than one half of Russia's regions, as required by section 15 § 6 of the Political Parties Act. The applicant party was not informed about that decision.

Between July 2003 and March 2004 the regional departments of the Ministry of Justice invalidated the registrations of the respective regional branches of the applicant party.

On 1 October 2003 the applicant party asked the Ministry of Justice for the reasons for the invalidation of the registrations of the regional branches. It had learned from the media that its registration had been allegedly invalidated but it had not received any official decision in that respect.

By letter of 20 October 2003, the Ministry of Justice replied that by the decision of 3 July 2003 the applicant party's registration had been invalidated for the failure to submit, within the statutory time-limit, copies of registration certificates in respect of regional branches in more than one half of Russia's regions.

On 24 November 2003 the Ministry of Justice deleted the applicant party's name from the Unified State Register of Legal Entities.

On 10 December 2003 the applicant party applied to the Taganskiy District Court of Moscow for an injunction to the Ministry of Justice to give it a copy of the decision serving as a basis for the invalidation of the registrations of the regional branches. On 10 February 2004 the applicant party clarified its application and submitted that it asked for a copy of the decision of 3 July 2003 by the Ministry of Justice.

On 6 April 2004 the Taganskiy District Court ordered that the Ministry of Justice give the applicant party a copy of the decision of 3 July 2003.

On 29 April 2004 the applicant party challenged the decision of 3 July 2003 before the Taganskiy District Court. It submitted, in particular, that the decision had violated its freedom of association.

On 12 July 2004 the Taganskiy District Court stayed the application and ordered that the applicant party should correct procedural defects. That decision was not sent to the applicant party until 1 October 2004.

On 6 October 2004 the applicant party appealed against the decision of 12 July 2004 to the Moscow City Court.

On 6 December 2004 the applicant party's representative was invited to the Taganskiy District Court and asked to withdraw the appeal. On the same day the applicant party withdrew its appeal and the Taganskiy District Court resumed the proceedings on the applicant party's application of 29 April 2004.

On 3 February 2005 the Taganskiy District Court held that the decision of 3 July 2003 by the Ministry of Justice had been lawful. Given that the applicant party had not submitted, within the statutory time-limit, copies of registration certificates in respect of regional branches in more than one half of Russia's regions, its registration had been invalidated in accordance with section 15 §§ 4 and 6 of the Political Parties Act.

A copy of that decision was sent to the applicant party on 1 August 2005 and was received by it on 29 August 2005.

On 5 September 2005 the applicant party appealed. It submitted, in particular, that the dissolution of a political party could be justified only in exceptional circumstances, for example if a party advocated violence, aimed to undermine democracy or to destroy the rights and freedoms of others guaranteed by the Constitution. It had never been claimed that the applicant party pursued such undemocratic objectives. Moreover, its dissolution had been decided by the executive, namely the Ministry of Justice, rather than by a court.

On 17 February 2006 the applicant party asked the Moscow City Court about the date of the examination of its appeal. By letter of 28 February 2006 the president of the Tganskiy District Court apologised for the delay in the examination of the appeal and informed the applicant party that the appeal hearing was scheduled to take place on 14 March 2006.

On 14 March 2006 the Moscow City Court upheld the judgment of 3 February 2005 on appeal, finding that it had been lawful, well-reasoned and justified.

B. Relevant domestic law

The Political Parties Act (Federal Law no. 95-FZ of 11 July 2001), as in force at the material time, required that a political party should have no fewer than fifty thousand members and should have regional branches with no fewer than five hundred members in more than one half of Russia's regions [that is in at least forty-five regions]. It was also allowed to have branches in the remaining regions provided that each branch had no fewer than two hundred and fifty members (section 3 § 2).

Political parties and their regional branches must be registered in the Unified State Register of Legal Entities in accordance with the special registration procedure established by the Political Parties Act. A political party acquires the status of a legal entity and may start its activities from the moment of registration (section 15 § 1).

Within six months after its registration, a political party must register regional branches in more than one half of Russia's regions (section 15 § 4).

Within a month after the expiry of the time-limit established by section 15 § 4 a political party must submit to the competent authority copies of registration certificates in respect of regional branches in more than one half of Russia's regions. If a political party fails to do it, its registration is invalidated and its name is deleted from the Unified State Register of Legal Entities (section 15 § 6).

The time-limits established by section 15 §§ 4 and 6 are extended if the refusal to register a regional branch has been challenged before a court and the proceedings are still pending (section 15 § 7).

For more details on legal provisions governing the status and activities of political parties, see the judgment in the case of *Republican Party of Russia v. Russia* (no. 12976/07, §§ 28-56, 12 April 2011).

COMPLAINTS

1. The applicant party complains under Article 6 § 1 of the Convention that the length of the judicial proceedings in its case was excessive.
2. The applicant party complains under Article 11 of the Convention that the invalidation of its registration violated its freedom of association.

QUESTION

As regards the invalidation of the applicant party's registration, has there been a violation of Article 11 of the Convention (see *Republican Party of Russia v. Russia*, no. 12976/07, §§ 100-131, 12 April 2011)?