



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

FIRST SECTION

Application no. 31946/12
Natalya Leonidovna YEVDOKIMOVA
against Russia
lodged on 23 April 2012

STATEMENT OF FACTS

The applicant, Ms Natalya Leonidovna Yevdokimova, is a Russian national, who was born in 1948 and lives in St Petersburg. She is represented before the Court by Ms A.N. Yekimovskaya, a lawyer practising in St Petersburg.

A. The circumstances of the case

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

The applicant decided to organise a meeting which was scheduled for 31 August 2011, from 7 p.m. to 8 p.m., at the Dvortsovaya square, St Petersburg. The aim of the meeting was the support of the principle declared in Article 31 of the Constitution which provided for the right to freedom of peaceful assembly and the right to hold meetings, demonstrations, marches and pickets.

The applicant and other organizers of the meeting sent the relevant notice to the Committee for the Justice, Legal Order and Safety of the Government of St Petersburg.

On 19 August 2011 the Committee suggested changing the place and time of the meeting. The Committee stated that there was a risk of violation of technical safety requirements because of reconstruction of the building of the Main Headquarters situated at the Dvortsovaya square. It also referred to antiterrorist arrangements to be effectuated on the occasion of the Knowledge Day on 31 August. The Committee suggested conducting the meeting at the date and time specified by the applicants but in the Chernyshevskiy Garden, Bakunin avenue, or from 4 p.m. to 5 p.m. at the Pionerskaya square near the monument to A.S. Griboyedov.

The applicant filed a lawsuit to challenge this decision. On 21 September 2011 the judge of the Smolninskiy District Court of St Petersburg rejected her claim.

On 7 November 2011 this decision was upheld on appeal by the St Petersburg City Court.

B. Relevant domestic law

1. Constitution of the Russian Federation

Under Article 31 of the Russian Constitution, citizens have a right of peaceful assembly. This right can be limited by a federal statute in so far as it is necessary to protect the constitutional regime, morals, health or rights or interests of others (Article 55 § 3 of the Constitution).

2. Federal Law on Assemblies, Meetings, Demonstrations, Marches and Pickets, no. FZ-54 of 19 June 2004

According to Article 5 a public assembly may be organised by a Russian citizen or a group of citizens who have reached the age of eighteen (sixteen for meetings and gatherings), as well as by political parties, other public associations, religious associations or their regional or local branches.

Article 7 prescribes that the organizers shall send a notice of the scheduled event to the competent authorities.

According to Article 5 the organisers of a public assembly must inform the authorities in writing whether or not they accept the authorities' suggestions for changing the location and/or time of the assembly. They are entitled to hold meetings, demonstrations, marches or pickets at the location and time indicated in the notification or agreed upon after consultation with the competent regional or municipal authorities. They have no right to hold an assembly if the notification was submitted outside the time-limits established by this Law, or if the new location and time of the assembly have not been agreed upon following a reasoned suggestion for their change by the competent regional or municipal authorities.

According to Article 8 a public assembly may be held in any convenient location, provided that it does not create a risk of building collapse or any other risks to the safety of the participants. The access of participants to certain locations may be banned or restricted in the circumstances specified by federal laws. Assemblies in the vicinity of dangerous production facilities or other facilities subject to special technical safety regulations are prohibited.

3. Civil Procedure Code

The Code of Civil Procedure provides in its Article 254 that a citizen may lodge a complaint about an act or decision by any State or municipal authority or official, either with a court of general jurisdiction or by addressing it to the official or authority directly above the one concerned. The complaint may concern any decision, act or omission which has violated rights or freedoms, has impeded the exercise of rights or freedoms, or has imposed a duty or liability on the citizen (Article 255).

According to Article 256 the complaint must be lodged within three months of the date when the citizen learnt of the breach of his rights. The time-limit may be extended for valid reasons. The complaint must be examined within ten days (Article 257).

A party to the proceedings may lodge an appeal with a higher court within ten days of the date when the first decision is taken (Article 338).

A decision requiring the authority or official to remedy the breach of the citizen's rights is dispatched to the head of the authority concerned, to the official concerned or to their superiors within three days of its entry into force (Article 258).

COMPLAINTS

The applicant complains under Article 11 in conjunction with Article 13 of the Convention that the refusal of the authorities to hold the meeting scheduled for 31 August 2011 at the place and in time specified by the applicant violated her right to freedom of peaceful assembly.

QUESTIONS TO THE PARTIES

1. Did the authorities' suggestion to change the location and time of the meetings scheduled for 31 August 2011 interfered with the applicant's rights under Article 11 of the Convention? Was that interference lawful? Did it pursue a legitimate aim? Were the reasons advanced by the authorities for the change of the location "relevant and sufficient" and was the interference "necessary in a democratic society" within the meaning of Article 11 § 2 of the Convention?

2. Was the location and time suggested by the authorities suitable considering the purposes of the meeting?

3. Did the applicant have an effective domestic remedy for her complaint under Article 11, as required by Article 13 of the Convention? In particular, did she have at her disposal a procedure that would allow her to obtain an enforceable decision prior to the date of the planned meeting?