



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

FIRST SECTION

Application no. 15259/13
Tatyana Nikolayevna ANOKHINA against Russia
lodged on 22 January 2013

STATEMENT OF FACTS

1. The applicant, Ms Tatyana Nikolayevna Anokhina, is a Russian national, who was born in 1971 and lives in Ivanovo.

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

3. On 15 October 2011 the applicant with a friend visited one of the cafés in Ivanovo. Shortly they decided to leave because of an alleged fight between other visitors. The applicant's request of a discount for the inconvenience suffered resulted in a heated conflict with the owner of the café, who immediately complained to the authorities about the applicant's disorderly conduct.

4. At 11.40 p.m. she was apprehended and brought to the police station ROVD No. 2 in Ivanovo, where she spent the night in a temporary detention cell. The applicant was released in the morning of 16 October 2001 at 9.15 a.m.

5. Following the administrative investigation into the abovementioned events the applicant was accused of disorderly conduct the case was sent for trial.

6. On 16 November 2011 the Justice of the Peace for the 4th Circuit of Oktyabrskiy District of Ivanovo considered the case and terminated the proceedings due to absence of the event of offence. The Justice of the Peace noted that there had been no evidence that the applicant intended to infringe upon public order and that the conflict concerned only the quality of services provided in the café.

7. On 15 December 2001 the applicant lodged a complaint with the Oktyabrskiy District Prosecutor's Office of Ivanovo concerning the unlawful actions of the police.

8. On 22 December 2011 she was informed by a letter from the Prosecutor's Office that her complaint was well-founded found to be reasonable and the police officers acted unlawfully. Disciplinary sanctions were recommended to be imposed on the policemen. On unspecified date

the same recommendation was given by the Head of Police of Ivanovo following the internal investigation.

9. The applicant sued the authorities for non-pecuniary damages.

10. On 11 May 2012 the Leninskiy District Court of Ivanovo ruled in her favour and awarded non-pecuniary damages. The District Court stressed that unlawfulness of police actions was confirmed by previously adopted decisions (see paragraphs 6 and 8 above). Accordingly it concluded that the applicant's detention was in violation of her rights under Article 22 of the Constitution and Article 5 § 1 (c) of the Convention. Referring to the principles developed in the case-law of the Court and the fact that the applicant was detained for several hours in a locked cell with administrative offenders, the District Court awarded her 10,000 Russian roubles (250 euros) in non-pecuniary damages.

11. On 23 July 2012 the Ivanovo Regional Court upheld the lower court's judgement on appeal.

COMPLAINTS

12. The applicant complains under Article 5 §§ 1 and 5 of the Convention that she was unlawfully detained and that the amount of compensation provided to her was insufficient to remedy the alleged violation.

QUESTIONS TO THE PARTIES

1. May the applicant still claim, given award of damages by the Leninskiy District Court of Ivanovo on 11 May 2012, to be a victim of a violation of Article 5 of the Convention, within the meaning of Article 34 of the Convention?
2. Was the applicant deprived of her liberty in breach of Article 5 § 1 of the Convention?
3. Did the applicant have an effective and enforceable right to compensation for her detention in alleged contravention of Article 5 § 1, as required by Article 5 § 5 of the Convention? Was the amount of non-pecuniary damages awarded by the Leninskiy District Court of Ivanovo on 11 May 2012 compatible with the abovementioned provisions?