



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

10 June 2010

FIRST SECTION

Application no. 14620/08
by Igor BATENEV
against Russia
lodged on 28 January 2008

STATEMENT OF FACTS

THE FACTS

The applicant, Mr Igor Sergeyevich Batenev, is a Russian national who was born in 1953 and lives in Novosibirsk. He is represented before the Court by Mr A. Rudnitskiy, a lawyer practising in Novosibirsk.

A. The circumstances of the case

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

In late 2007, when the then President Putin's term of duty was about to expire, a pro-incumbency movement "For Putin!" («За Путина!») was created. On 27 October 2007 the movement organised a meeting in support of President Putin's economic and political ideas. It was held in the Lenin Square in Novosibirsk.

The applicant and Mr M. showed up at the meeting and raised a banner that read, in capital letters, "Putin is better than Hitler" («Путин лучше Гитлера»). The police promptly intervened and took the banner and its holders away.

On the same day the applicant was convicted of an administrative offence by the Justice of the Peace of the 1st Circuit of the Tsentralnyi District of Novosibirsk. The Justice's reasoning read as follows:

“The court agrees with the arguments by Mr Batenev’s counsel, Mr Medvedev and Mr Rudnitskiy, to the effect that the meeting organisers did not require him to stop the act of displaying the banner. However, it appears from a video recording produced before the court that citizens, present at the meeting in support of the incumbent president, showed their negative reaction to the banner, of which Mr Batenev held one end, and asked him to remove it, Ms S had to protect Mr M., who was holding the other end of the banner, and argue with others about its contents.

The court considers that the display of the banner could have actually created a real threat to the citizens’ life and health. Accordingly, a representative of the police lawfully and reasonably asked the applicant to stop displaying the banner which sounded provocative and inappropriate at the meeting in support of the incumbent Russian President Putin.

The court considers that Mr Batenev committed a breach of the established order for conducting meetings which resulted in a threat to public security during that meeting.”

The applicant was sentenced to pay a fine of 500 Russian roubles.

On 19 December 2007 the Tsentralnyi District Court of Novosibirsk reviewed the matter on the applicant’s appeal and upheld the conviction, finding as follows:

“It has been established in court that Mr Batenev did not comply with an order of the police who asked him to remove the provocative banner he was holding. This was not denied by Mr Batenev in his appeal or in court.

His argument to the effect that he would have complied with the request if it had come from the meeting organisers, Ms T, Mr B. or Mr K, does not convince the court because the police officers performed their duty to protect public order. The justice of the peace found that the banner had been of a provocative nature and that its display could have led to a breach of public order and created a real threat to citizens’ life or health.”

COMPLAINTS

The applicant complains under Articles 10 and 11 of the Convention about a violation of his right to freedom of expression.

The applicant also complains under Article 3 of the Convention about his three-hour detention at the police station on 27 October 2007.

QUESTION TO THE PARTIES

Was there a violation of the applicant’s right to freedom of expression guaranteed by Article 10 of the Convention?