



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

FIRST SECTION

CASE OF TKHYEGEPSO AND OTHERS v. RUSSIA

(Applications nos. 44387/04, 2513/05, 24753/05, 34770/07, 37169/07, 54527/07, 21648/08, 42081/08, 56022/08, 59873/08, 671/09 and 4555/09)

JUDGMENT

STRASBOURG

25 October 2011

FINAL

08/03/2012

This judgment has become final under Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Tkhyegepso and Others v. Russia,

The European Court of Human Rights (First Section), sitting as a Chamber composed of:

Nina Vajić, *President*,
Anatoly Kovler,
Peer Lorenzen,
Mirjana Lazarova Trajkovska,
Julia Laffranque,
Linos-Alexandre Sicilianos,
Erik Møse, *judges*,

and Søren Nielsen, *Section Registrar*,

Having deliberated in private on 4 October 2011,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in twelve applications (nos. 44387/04, 2513/05, 24753/05, 34770/07, 37169/07, 54527/07, 21648/08, 42081/08, 56022/08, 59873/08, 671/09, 4555/09) against the Russian Federation lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by fifteen Russian nationals (“the applicants”), on various dates listed in the appendix to this judgment.

2. Mr S.A. Abdulvagapov, Mr A.V. Gominykh, Mr S.S. Abdulov, Mr V.M. Prokhozhev and Mr A.R. Shirobokov were represented before the Court, respectively, by Mr A.Y. Gautayev, Ms Y.V. Akhmineyeva, Ms L. Zhukova, Ms O.A. Sadovskaya and Mr A.V. Rossikhin, lawyers practising in different regions of Russia.

3. The Russian Government (“the Government”) were represented by Mr G. Matyushkin, the Representative of the Russian Federation at the European Court of Human Rights.

4. On various dates the President of the First Section decided to give notice of the applications to the Government. It was also decided to rule on the admissibility and merits of the applications at the same time (Article 29 § 1).

5. In accordance with the pilot judgment *Burdov v. Russia* (no. 2) (no. 33509/04, ECHR 2009-...), the applications were adjourned pending their resolution at the domestic level.

6. The Government later informed the Court that enforcement of the domestic judgments in the applicants’ favour was impossible due to certain domestic execution formalities and requested the Court to consider the

applications on the merits. The Court therefore decided to resume examination of the present cases.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASES

7. The applicants were born on the dates listed in the appendix to this judgment and live in various regions of Russia.

8. On the dates listed in the appendix the domestic courts found in the applicants' favour against various State bodies. Mr Tkhyegepso and Ms Afaunova were awarded compensation for non-pecuniary damage caused by unlawful actions of a State body. Ms I. Kalitkina and Ms Y. Kalitkina were awarded, respectively, a survivor's pension and compensation for the loss of breadwinner. Mr Shirobokov was initially awarded a flat, but subsequently this award was converted into its monetary equivalent amounting to 950,000 Russian roubles (RUB). The rest of the applicants, active and retired military officers, obtained monetary awards against various military units. The amounts awarded by the domestic courts are listed in the appendix.

9. The applicants took various steps to obtain execution of the judgments. However, the judgments remain unenforced to date.

10. On an unspecified date Mr Shirobokov obtained from the Supreme Court of Russia compensation for non-pecuniary damage resulting from delayed enforcement of the judgment in his favour in the amount of RUB 68,000 (approximately 1,700 euros (EUR)).

II. RELEVANT DOMESTIC LAW

11. Federal Law no. 68-Φ3 "On Compensation for Violation of the Right to a Trial within a Reasonable Time or the Right to Enforcement of a Judgment within a Reasonable Time" of 30 April 2010 (in force from 4 May 2010) provides that in the case of a violation of the right to trial within a reasonable time or of the right to enforcement of a final judgment, Russian citizens are entitled to seek compensation for non-pecuniary damage. Federal Law No. 69-Φ3, adopted on the same day, introduced the pertinent changes into Russian legislation.

12. The transitional arrangements (section 6.2 of Federal Law no. 68-Φ3) provided that everyone who had a pending application before the European Court of Human Rights concerning a complaint of the type

described in the law had six months to lodge the complaint with the domestic courts.

THE LAW

I. JOINDER OF THE APPLICATIONS

13. Given that the twelve applications at hand concern similar facts and complaints and raise identical issues under the Convention, the Court decides to join them pursuant to Rule 42 of the Rules of Court.

II. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION AND ARTICLE 1 OF PROTOCOL No. 1

14. Relying on Article 6 § 1 of the Convention and Article 1 of Protocol No. 1, the applicants complained about the non-enforcement of the judgments in their favour. The relevant provisions read as follows:

Article 6

“In the determination of his civil rights and obligations ... everyone is entitled to a fair ... hearing ... by [a] ... tribunal ...”

Article 1 of Protocol No. 1

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

A. Admissibility

15. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It further notes that it is not inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

16. Responding to the applicants' complaints about non-enforcement, the Government acknowledged that the judgments in their favour had not been enforced to date. They further submitted that due to various domestic events and peculiarities of the enforcement modalities, most often dissolution of the respondent or a mismatch between the operative part of the judgments and the respondents' particulars as indicated in the budgetary provisions, it was impossible to ensure enforcement of the judgments at the present time. The Government requested that the Court consider the cases on their merits.

17. The Court reiterates that an unreasonably long delay in the enforcement of a binding judgment may breach the Convention (see *Burdov v. Russia*, no. 59498/00, ECHR 2002-III). In each of these cases, the State has avoided paying the judgment debt pursuant to at least one domestic judgment in the applicants' favour for more than three years, which is *prima facie* incompatible with the Convention requirements (see, among others, *Kozodoyev and Others v. Russia*, nos. 2701/04 et al., § 11, 15 January 2009). The Government did not provide any argument to the contrary.

18. Regard being had to the Government's acknowledgments and to its own well-established practice, the Court considers that there has been a violation of Article 6 § 1 of the Convention and Article 1 of Protocol No. 1.

III. ALLEGED VIOLATION OF ARTICLE 13 OF THE CONVENTION

19. Some applicants complained under Article 13 of the Convention that they did not have at their disposal an effective domestic remedy in respect of excessive delays in the enforcement of court judgments in their favour. The relevant provision reads as follows:

"Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."

20. The Government did not specify their position in relation to these complaints.

21. The Court takes cognisance of the existence of a new remedy introduced by the federal laws № 68-ΦЗ and № 69-ΦЗ in the wake of the pilot judgment adopted in the case of *Burdov (no. 2)*, cited above. These statutes, which entered into force on 4 May 2010, set up a new remedy which enables those concerned to seek compensation for the damage sustained as a result of excessive delays in the enforcement of court judgments against the State (see paragraphs 11 and 12 above).

22. On 23 September 2010 the Court decided that all new cases introduced after the *Burdov (no. 2)* pilot judgment and falling within the scope of the new domestic remedy had to be submitted in the first place to

the national courts (see *Nagovitsyn and Nalgiyev v. Russia* (dec.), nos. 27451/09 and 60650/09, § 41, 23 September 2010). In so doing, the Court relied in particular on the transitional provisions of the new law allowing all applicants before the Court to lodge their complaints to domestic courts during six months after its entry into force (see paragraph 12 above).

23. At the same time, the Court recalls that in the pilot judgment cited above it decided to follow a different course of action in respect of the applications lodged before the delivery of the judgment. The Court considered that it would be unfair if the applicants in such cases, who had allegedly been suffering for years of continuing violations of their right to a court and sought relief in this Court, were compelled yet again to resubmit their grievances to the domestic authorities, be it on the grounds of a new remedy or otherwise (see *Burdov* (no. 2), cited above, § 144). The Court therefore resumed examination of the present applications on their merits (see paragraph 6 above) notwithstanding the existence of an effective domestic remedy which was available to the applicants pursuant to the transitional provisions of the new law (see paragraph 12 above) and remains available up to date as the domestic judgments in their favour remain unenforced.

24. Having regard to these special circumstances, although admissible, the Court does not find it necessary to consider separately the applicants' complaints under Article 13 in the present cases (see, *mutatis mutandis*, *Kravchenko and Others v. Russia*, nos. 11609/05 et al., § 45, 16 September 2010).

IV. OTHER ALLEGED VIOLATIONS OF THE CONVENTION

25. Some applicants made accessory complaints referring to assorted Articles of the Convention. However, in the light of all the material in its possession, and in so far as the matters complained of are within its competence, the Court finds that they do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols. It follows that the applications in this part are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

V. APPLICATION OF ARTICLE 41 OF THE CONVENTION

26. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

A. Damage

1. *Pecuniary damage*

27. The Court reiterates that the most appropriate form of redress in respect of the violations found would be to put the applicants as far as possible in the position they would have been if the Convention requirements had not been disregarded (see *Piersack v. Belgium* (Article 50), 26 October 1984, § 12, Series A no. 85 and, *mutatis mutandis*, *Gençel v. Turkey*, no. 53431/99, § 27, 23 October 2003). The Court further reiterates that under Rule 60 of the Rules of Court any claim for just satisfaction must be itemised and submitted in writing together with the relevant supporting documents or vouchers, failing which the Court may reject the claim in whole or in part.

28. The Court notes that Ms I. and Ms Y. Kalitkiny (application no. 24753/05) and Mr Belov (application no. 37169/07) claimed the respective judgment debts without making any separate claims on any interest for delay in enforcement. The Government did not provide any specific comments on these claims.

29. The Court further notes that Mr Tkhyegepso and Ms Afaunova (application no. 44387/04), Mr Kleptsov (application no. 34770/07), Mr Maydannik (application no. 21648/08) and Mr Yefimenko (application no. 59873/08) claimed various amounts as pecuniary damage over and above the domestic judgment debts. However, these applicants either failed to provide the details of their calculations or calculated their claims based on the loss of profit they were liable to obtain had the judgments in their favour been enforced in a timely manner. The Government disputed these claims as ill-founded.

30. Having regard to the principles outlined in paragraph 27 above, the Court considers it appropriate to award the above applicants the equivalent in euros of the amounts they would have received if the judgments in their favour had been enforced. At the same time, the Court rejects the remainder of the claims for pecuniary damage made by some of the above applicants as unsubstantiated and/or ill-founded.

31. As regards the rest of the applicants' claims under this head, the Court recalls its constant approach that the adequacy of the compensation would be diminished if it were to be paid without reference to various circumstances liable to reduce its value (see, *mutatis mutandis*, *Gizatova v. Russia*, no. 5124/03, § 28, 13 January 2005). As a result, the Court frequently accepted in the past the applicants' claims for compensation of damage arising from inflation losses during the prolonged failure to pay judgment debts (see, among many others, *Kulkov and Others v. Russia*, nos. 25114/03 et al., § 64, 8 January 2009). It will therefore examine one by one the remaining applicants' claims in that respect.

(a) Application no. 21648/08

32. Mr Fominykh claimed 1,024,759.32 Russian roubles (RUB) calculated as the original award index-linked on the basis of the inflation rate. The Government contested the claim as unsubstantiated.

33. The Court observes that the applicant did not indicate the source of his information in respect of the inflation rate he used to calculate his claim, nor did he specify the exact rate of the inflation. At the same time, it notes that the Government did not suggest an alternative method of calculation and that the applicant's claim amounting approximately to 200 per cent of his original award does not appear unreasonable in view of the length of the delay in the enforcement. In these circumstances the Court accepts the applicant's claim and awards him 25,545 euros (EUR) as compensation for pecuniary damage.

(b) Application no. 42081/08

34. Mr Abdulov claimed RUB 1,000,000 of which RUB 313,252 was the amount of the original award index-linked on the basis of the consumer prices index of the Volgograd Region, where the applicant lives, from January 2001 to January 2011. The rest of the claim represented the cost of housing the applicant would have allegedly been able to buy had the award been paid out in a timely manner. The Government did not agree with the calculation method of the interest accrued and disputed the inclusion in the claim of a cost of housing.

35. The Court notes that the Government did not suggest a different method to calculate the interest nor did it advance any reasons for which the method offered by the applicant should not be used. At the same time, the Court accepts the Government's objection to the inclusion of the cost of housing considering that the latter is purely speculative in nature. Having regard to the above, the Court awards the applicant EUR 7,832 as compensation for pecuniary damage and rejects the rest of the claim.

(c) Application no. 56022/08

36. Mr Komolov claimed RUB 1,053,548 as pecuniary damage. This amount was based on the original award index-linked on the basis of the inflation rate in the Vladimir Region from June 2004 to December 2010, which amounted to 199.22 per cent, according to the certificate issued by the Kovrov Municipal Statistics Department in January 2011. The Government disputed the claim as excessive.

37. The Court observes that the Government did not advance an alternative method of calculation of the interest accrued and that the applicant's method does not appear unreasonable. Therefore, it accepts the applicant's claim and awards him EUR 26,272.

(d) Application no. 4555/09

38. Mr Shirobokov claimed RUB 1,600,000 based on the assessment by a certified assessment company of the price of a flat with living floor area of twenty-eight sq.m. in Izhevsk, Republic of Udmurtiya. The Government contested the claim as excessive.

39. Having regard to the facts of the case, the Court firstly observes that determining the amount due to the applicant on 8 December 2005, the Oktyabrskiy District Court of Izhevsk calculated it based on the assessment done by the same company of the cost of a flat of the same living floor area in the same town. It further notes that the applicant's claim amounts to 168 per cent of the award granted to him in 2004, an increase which does not appear unreasonable in view of the length of the delay in the enforcement. The Court also notes that the Government did not advance any alternative method of calculation of the interest accrued.

40. Regard being had to the above, the Court considers it appropriate to accept the applicant's claim and award him EUR 39,914 as pecuniary damage.

(e) Applications nos. 54527/07 and 671/09

41. Mr Prokhozhev, Mr Abdulvagapov and Mr Musayev claimed EUR 27,254 (approximately RUB 1,180,000), RUB 336,860 and RUB 359,730 respectively.

42. To calculate his claim for pecuniary damage, Mr Prokhozhev relied on the aggregate sum of inflation and refinancing rates for the lapsed time period obtained from the Central Bank of Russia, and Mr Abdulvagapov and Mr Musayev used the average inflation rate in Russia from February/May 2001 to January 2011. The Government disputed the amounts as unreasonable and ill-founded.

43. The Court notes that the amounts claimed exceed manifold the original awards and that the applicants' calculation methods bear certain

flaws. Deciding on an equitable basis, it awards the applicants EUR 7,304, 5,774 and 5,816 respectively and rejects the remainder of the claims.

2. *Non-pecuniary damage*

44. The applicants claimed various amounts as compensation for non-pecuniary damage. The Government's comments on these claims differed from case to case.

45. The Court notes that the delays in enforcement of domestic judgments vary from one applicant to another, ranging between five and eleven years. In the cases of that kind the Court's awards for non-pecuniary damage are, in principle, directly proportionate to the period during which a binding and enforceable judgment remained unenforced (see *Burdov (no. 2)*, cited above, § 154). As an alternative, the Court can adopt a unified approach in cases involving many similarly situated victims and thus to award the same sum to each of them (see *Ryabov and 151 other "Privileged pensioners" cases v. Russia*, nos. 4563/07 et al., §§ 21-22, 17 December 2009).

46. The Court finds that the applicants' situation in the present cases would call for the latter approach. Indeed, they have all been suffering from the State's failure to honour the judgment debts for very lengthy periods. All of them legitimately expected these continuing violations to be remedied by the authorities following the Court's pilot judgment. However, their expectations were eventually frustrated and the judgments in their favour have to date remained unenforced, thus compelling the Court to resume examination of the cases and to bring them to judgment (see *Burdov (no. 2)*, cited above, § 128).

47. Having regard to the foregoing and making its assessment on an equitable basis, as required by Article 41 of the Convention, the Court considers that the compensation for non-pecuniary damage in the present cases should be equivalent to the one awarded to the applicant in the pilot judgment (see *Burdov (no. 2)*, cited above, §§ 156-157).

48. The Court considers at the same time, that the amount to be awarded under this head should be reduced in the case of Mr Shirobokov as he has already been partially compensated at the domestic level for non-pecuniary damage arising from non-enforcement of the domestic judgment in his favour (see paragraph 10 above).

49. The Court therefore awards Mr Shirobokov EUR 4,300 and the rest of the applicants EUR 6,000 each in respect of non-pecuniary damage and rejects the remainder of their claims.

B. Costs and expenses

50. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown

that these have been actually and necessarily incurred and were reasonable as to quantum.

51. Mss Kalitkiny, Mr Belov and Mr Yefimenko did not submit any claims for costs and expenses. Accordingly, the Court will not make any award under this head to the above applicants. As to the rest of the applicants, it will examine their claims on their merits.

1. Application no. 44387/04

52. Mr Tkhyegepso and Ms Afaunova submitted a claim for RUB 13,358. The Government argued that the claim was supported only for RUB 1,262.90.

53. The Court notes that the applicants submitted supporting documents for some postal and fax expenses totalling approximately RUB 1,405. Accordingly, it awards the applicants EUR 35 and rejects the remainder of the claim.

2. Application no. 2513/05

54. Mr Maydannik submitted a claim for RUB 5,658.40, the indicated amount including legal expenses at RUB 5,000 and postal expenses. The Government allowed the claim for postal expenses but disputed the claim for legal expenses as they had been incurred in the domestic court proceedings.

55. The Court accepts the Government's argument and awards the applicant EUR 16, rejecting the remainder of the claim.

3. Application no. 34770/07

56. Mr Kleptsov submitted a claim for RUB 6,474.90, the indicated amount including legal bills for RUB 5,900 and postal expenses. The Government allowed the claim for postal expenses and expressed their reservations in respect of the legal bills as the manner in which they had been incurred was not clear from the receipts.

57. The Court accepts the Government's argument and awards the applicant EUR 14, rejecting the remainder of the claim.

4. Application no. 54527/07

58. Mr Abdulvagapov and Mr Musayev submitted a claim for EUR 5,200 allegedly incurred as lawyer's bills. The Government disputed the claim as ill-founded.

59. The Court notes that the claim is not supported by any documents and rejects it accordingly in full.

5. Application no. 21648/08

60. Mr Fominykh submitted a claim for RUB 88,535.95, the indicated amount including postal expenses for mailings to the European Court of Human Rights totalling RUB 1,085.95, and various legal expenses incurred in connection with the domestic court proceedings. The Government allowed the claim for postal expenses disputing the rest of the claim as ungrounded for lack of connection with the applicant's complaint before the Court.

61. The Court accepts the Government's argument and awards the applicant the equivalent in euros of EUR 27, rejecting the remainder of the claim.

6. Application no. 42081/08

62. Mr Abdulov submitted two agreements for legal representation before the domestic authorities in the enforcement proceedings and before the European Court of Human Rights. The agreements set the lawyer's award at 5 per cent of the amount of the enforced judgment debt and 15 per cent of the amount of an award made by the Court. The Government disputed the claim as unfounded.

63. Having regard to the nature of the applicant's complaint and deciding on an equitable basis, the Court awards the applicant EUR 1,000 under this head and rejects the remainder of the claim.

7. Application no. 56022/08

64. Mr Komolov submitted a claim for RUB 4,737, the indicated amount including legal expenses at RUB 2,000 and postal expenses. The Government allowed the claim for postal expenses in the amount of RUB 1,038.50 and rejected the remainder as not incurred in connection with the complaint before the European Court of Human Rights.

65. The Court observes that indeed the postal expenses to Strasbourg are supported for RUB 1,038.50, while the rest of the expenses were incurred in the domestic proceedings. Therefore, it awards the applicant EUR 25, rejecting the remainder of the claim.

8. Application no. 671/09

66. Mr Prokhozhev submitted a claim for EUR 3,790 supported by two agreements for legal representation at the European Court of Human Rights. The Government contested the amount as excessive.

67. Having regard to the nature of the applicant's complaint and deciding on an equitable basis, the Court awards the applicant EUR 1,000 under this head and rejects the remainder of the claim.

9. *Application no. 4555/09*

68. Mr Shirobokov submitted a claim for RUB 1,075.10 incurred as postal expenses. The Government allowed the claim.

69. The Court accordingly awards the applicant EUR 26 under this head.

C. Default interest

70. The Court considers it appropriate that the default interest should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Decides* to join the applications;
2. *Declares* the complaints under Articles 6 and 13 of the Convention and Article 1 of Protocol No. 1 concerning non-enforcement of the judgments in the applicants' favour listed in the appendix admissible and the remainder of the applications inadmissible;
3. *Holds* that there has been a violation of Article 6 of the Convention and Article 1 of Protocol No. 1 in respect of the failure to enforce the judgments in the applicants' favour;
4. *Holds* that it is not necessary to consider separately the complaints under Article 13 of the Convention;
5. *Holds*
 - (a) that the respondent State is to pay the applicants, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts to be converted into Russian roubles at the rate applicable at the date of settlement:
 - (i) in respect of pecuniary damage, plus any tax that may be chargeable:
 - EUR 748 (seven hundred and forty-eight euros) jointly to A. Tkhyegepso and Zh. Afaunova;
 - EUR 821 (eight hundred and twenty-one euros) to S. Maydannik;
 - EUR 627 (six hundred and twenty-seven euros) jointly to I. Kalitkina and Y. Kalitkina;

EUR 1,742 (one thousand seven hundred and forty-two euros) to A. Kleptsov;

EUR 11,183 (eleven thousand one hundred and eighty-three euros) to D. Belov;

EUR 5,774 (five thousand seven hundred and seventy-four euros) to S.-A. Abdulvagapov;

EUR 5,816 (five thousand eight hundred and sixteen euros) to A. Musayev;

EUR 25,545 (twenty-five thousand five hundred and forty-five euros) to A. Fominykh;

EUR 7,832 (seven thousand eight hundred and thirty-two euros) to S. Abdulov;

EUR 26,272 (twenty-six thousand two hundred and seventy-two euros) to A. Komolov;

EUR 4,090 (four thousand ninety euros) to A. Yefimenko;

EUR 7,304 (seven thousand three hundred and four euros) to V. Prokhozhev;

EUR 39,914 (thirty-nine thousand nine hundred and fourteen euros) to A. Shirobokov;

(ii) in respect of non-pecuniary damage, plus any tax that may be chargeable:

EUR 4,300 (four thousand three hundred euros) to A. Shirobokov, plus any tax that may be chargeable to the applicant on this amount;

EUR 6,000 (six thousand euros) to each of the other applicants, plus any tax that may be chargeable to the applicants on these amounts;

(iii) in respect of costs and expenses, plus any tax that may be chargeable to the applicant:

EUR 35 (thirty-five euros) jointly to A. Tkhyegepso and Zh. Afaunova;

EUR 16 (sixteen euros) to S. Maydannik;

EUR 14 (fourteen euros) to A. Kleptsov;

EUR 27 (twenty-seven euros) to A. Fominykh;

EUR 1,000 (one thousand euros) to S. Abdulov;

EUR 25 (twenty-five euros) to A. Komolov;

EUR 1,000 (one thousand euros) to V. Prokhozhev;

EUR 26 (twenty-six euros) to A. Shirobokov;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

6. *Dismisses* the remainder of the applicants' claims for just satisfaction.

Done in English, and notified in writing on 25 October 2011, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Søren Nielsen
Registrar

Nina Vajić
President

APPENDIX

	Case no.	Lodged on	Applicant name date of birth place of residence	Judgment by	Date of judgment	Domestic court awards (RUB)
1.	44387/04	19/10/2004	Anatoliy Khazeshevich TKHYEGEPSO 19/02/1951 Zhenya Chaflenovna AFAUNOVA 15/02/1955	Supreme Court of the Republic of Kabardino- Balkariya	05/11/2003	30,000
2.	2513/05	05/12/2004	Sergey Aleksandrovich MAYDANNIK 04/03/1959	Ivanovo Garrison Military Court	26/07/2000 and 17/04/2003	33,011
3.	24753/05	31/05/2005	Irina Mikhaylovna KALITKINA 22/04/1961 Yevgeniya Vladimirovna KALITKINA 22/04/1984	Oktyabrskiy District Court of Rostov-on- Don	25/05/2004	25,158.64
4.	34770/07	18/07/2007	Aleksandr Mikhaylovich KLEPTSOV 15/04/1975	Vladikavkaz Garrison Military Court	14/12/2001 and 02/07/2004	69,721.46
5.	37169/07	02/07/2007	Dmitriy Yuryevich BELOV 04/07/1976	Vladikavkaz Garrison Military Court	19/03/2002	451,500
6.	54527/07	23/11/2007	Said-Ali Aliyevich ABDULVAGAPOV 20/01/1961 Akhmed Aptiyevich MUSAYEV 12/10/1971	Vladikavkaz Garrison Military Court	25/04/2003	115,830 116,640
7.	21648/08	24/03/2008	Andrey Viktorovich FOMINYKH 19/09/1979	Rostov-on- Don Garrison Military Court	28/09/2004	516,400.32
8.	42081/08	17/07/2008	Samat Sagyndykovich ABDULOV 09/11/1980	Volgograd Garrison Military Court	14/12/2001	112,590

9.	56022/08	22/09/2008	Aleksandr Gennadyevich KOMOLOV 18/12/1972	Rostov-on-Don Garrison Military Court	14/06/2004	528,836.81
10.	59873/08	09/10/2008	Albert Valeryevich YEFIMENKO 29/12/1971	Severomorsk Garrison Military Court	17/07/2003	163,611
11.	671/09	14/12/2008	Vladimir Mikhaylovich PROKHOZHEV 09/09/1981	Nizhniy Novgorod Garrison Military Court	30/05/2003	146,386.81
12.	4555/09	13/11/2008	Aleksandr Romanovich SHIROBOKOV 25/01/1957	Oktyabrskiy District Court of Izhevsk	08/12/2005	950,000