



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

FIRST SECTION

CASE OF MATVIYETS v. RUSSIA

(Application no. 38999/05)

JUDGMENT

STRASBOURG

12 June 2008

FINAL

12/09/2008

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Matviyets v. Russia,

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

Christos Rozakis, *President*,

Anatoly Kovler,

Elisabeth Steiner,

Dean Spielmann,

Sverre Erik Jebens,

Giorgio Malinverni,

George Nicolaou, *judges*,

and Søren Nielsen, *Section Registrar*,

Having deliberated in private on 22 May 2008,

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

PROCEDURE

1. The case originated in an application (no. 38999/05) 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 a Russian national, Mr Petr Pavlovich Matviyets (“the applicant”), on 20 October 2003.

2. The Russian Government (“the Government”) were represented by Mrs V. Milinchuk, the Representative of the Russian Federation at the European Court of Human Rights.

3. On 9 March 2007 the Court decided to give notice of the application to the Government. It also decided to examine the merits of the application at the same time as its admissibility (Article 29 § 3).

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

4. The applicant was born in 1926 and lives in Voronezh.

5. The applicant is a veteran of World War II. Under domestic law the State must subsidise his car’s running costs. Not having received the subsidy in 1996–99, the applicant applied to a court.

6. On 29 May 2001 the Tsentralnyi District Court of Voronezh awarded the applicant 3,666.67 Russian roubles against a regional authority. On 8 June 2001 the judgment became binding, and on 8 May 2007 it was enforced.

II. RELEVANT DOMESTIC LAW

7. Under section 9 of the Federal Law on Enforcement Proceedings of 21 July 1997, a judgment must be enforced within two months.

THE LAW

I. ALLEGED VIOLATION OF ARTICLES 6 § 1, 13, AND 17 OF THE CONVENTION

8. The applicant complained that the non-enforcement of the judgment breached Articles 6, 13, and 17 of the Convention. The Court will examine this complaint only under Article 6 § 1, which insofar as relevant reads as follows:

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

A. Admissibility

9. The Government argued that the applicant had not exhausted domestic remedies, because he had failed to claim the subsidy in 1997–99. The Court considers that this argument is of no consequence, because the applicant’s right to receive the subsidy for this period was recognised in the domestic judgment.

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

B. Merits

11. The applicant maintained his complaint.

12. The Government acknowledged a violation of the applicant’s rights.

13. There has accordingly been a violation of Article 6 of the Convention.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

14. 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.”

15. The applicant claimed 15,000 euros in respect of pecuniary damage, and expressed a predisposition to receiving compensation of non-pecuniary damage.

16. The Government asked the Court to reject this claim because it was too high, imprecise, and unsubstantiated.

17. With regard to pecuniary damage, the Court finds that the applicant has not properly substantiated the damage, and therefore rejects this claim. With regard to non-pecuniary damage, the Court finds that the finding of a violation would be adequate just satisfaction.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Declares* the application admissible;
2. *Holds* that there has been a violation of Article 6 of the Convention;
3. *Holds* that the finding of a violation constitutes adequate just satisfaction in respect of non-pecuniary damage;
4. *Dismisses* the remainder of the applicant’s claim for just satisfaction.

Done in English, and notified in writing on 12 June 2008, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Søren Nielsen
Registrar

Christos Rozakis
President