



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

FIRST SECTION

CASE OF SERGEYEV AND OTHERS v. RUSSIA

*(Applications nos. 28309/03, 28318/03, 28379/03, 17147/04, 19131/04,
43601/05, 32383/06, 32485/06, 34874/06, 40405/06 and 45497/06)*

JUDGMENT

STRASBOURG

6 March 2012

This judgment is final but it may be subject to editorial revision.

In the case of Sergeyev and Others v. Russia,

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

Mirjana Lazarova Trajkovska, *President*,

Anatoly Kovler,

Erik Møse, *judges*,

and André Wampach, *Deputy Section Registrar*,

Having deliberated in private on 14 February 2012,

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

PROCEDURE

1. The case originated in eleven applications (nos. 28309/03, 28318/03, 28379/03, 17147/04, 19131/04, 43601/05, 32383/06, 32485/06, 34874/06, 40405/06 and 45497/06) 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 twelve Russian nationals (“the applicants”). Their details appear in the *Appendix* below.

2. Six applicants (Mr Sergeyev, Mr Matyushin, Mr Khatkevich, Mr Belchevskiy, Mr Yermakov and Mr Glukhov) were represented before the Court by Mr V. Gandzyuk, a lawyer practicing in Ryazan. Other applicants were not represented by a lawyer. The Russian Government (“the Government”) were represented by Mr P. Laptev and Ms V. Milinchuk, former representatives of the Russian Federation at the Court, and by Mr G. Matyushkin, the Representative of the Russian Federation at the Court.

3. The applicants complained of non-enforcement of binding and enforceable judgments delivered between 2001 and 2003 and of their subsequent quashing in supervisory-review proceedings.

4. Mr Khatkevich died on 21 August 2007. His widow, Ms Margarita Khatkevich, expressed her intention to continue the proceedings before the Court.

5. On the dates indicated in the *Appendix* below the President of the First Section decided to give notice of the applications to the Government. In accordance with Article 26 § 1 of the Convention as amended by Protocol No. 14, the applications were assigned to a Committee of three Judges. It was also decided that the Committee would rule on the admissibility and merits of the application at the same time (Article 29 § 1 of the Convention).

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

6. All the applicants except Ms N. Krivtsova and Ms M. Barzakova were at the material time members of the Russian military forces and took part in peace-keeping operations in former Yugoslavia. Ms N. Krivtsova's and Ms M. Barzakova's late husbands were also members of the Russian military forces and took part in the same operations.

7. All those servicemen sued their respective military units in courts for payment of outstanding daily allowance allegedly due to them on account of their military missions abroad.

8. On various dates the courts allowed the applicants' claims and awarded them monetary compensation. The judgements became binding and enforceable but were not enforced by the authorities. The details of the judgments appear in the *Appendix* below.

9. On the dates specified in the *Appendix*, the Presidium of the Moscow Circuit Military Court quashed the judgments by way of supervisory review, considering that the lower courts had erroneously applied the domestic material law. As a result, the applicants' claims were dismissed.

II. RELEVANT DOMESTIC LAW

10. The relevant domestic law governing the supervisory review procedure at the material time is summed up in the Court's judgments in the cases of *Ryabykh* (see *Ryabykh v. Russia*, no. 52854/99, §§ 31-42, ECHR 2003-IX) and *Sobelin and Others* (see *Sobelin and Others v. Russia*, nos. 30672/03 et al., §§ 33-42, 3 May 2007).

11. In 2001-2005 judgments delivered against the public authorities were executed in accordance with a special procedure established, *inter alia*, by the Government's Decree No. 143 of 22 February 2001 and, subsequently, by Decree No. 666 of 9 September 2002, entrusting execution to the Ministry of Finance (see further details in *Pridatchenko and Others v. Russia*, nos. 2191/03 et al., §§ 33-39, 21 June 2007).

THE LAW

I. JOINDER OF THE APPLICATIONS

12. Given that these eleven applications concern similar facts and complaints and raise identical issues under the Convention, the Court decides to consider them in a single judgment.

II. *LOCUS STANDI* AS REGARDS APPLICATIONS Nos. 28379/03, 32383/06 AND 32485/06

13. The Court notes that in the case of *Khatkevich* (no. 28379/03) the applicant died on 21 August 2007 and that his widow expressed her wish to continue the proceedings before the Court (see paragraph 4 above). In the cases of *Krivtsova* (no. 32383/06) and *Bazarkova* (no. 32485/06) the widows lodged their applications before the Court after the death of their husbands complaining of the non-enforcement and quashing of the judgments delivered in their late husbands' favour. An issue may thus arise as to whether the three widows have standing to pursue the proceedings before the Court in the case of *Khatkevich* and to bring such proceedings in the cases of *Krivtsova* and *Bazarkova*.

14. As regards the two latter cases, the Court notes that both widows inherited their late husbands' rights under the binding and enforceable judgment in their favour. Mr Krivtsov died on 21 February 2005 and Mr Bazarkov on 19 September 2003. At that time the judgment in their favour remained unexecuted for three years and for one year and nine months respectively. Both widows legitimately considered that the money due under the judgment would be paid to them in their quality of heirs. In these circumstances, the subsequent quashing of the judgment on supervisory review personally affected the two applicants, frustrating their reliance on that binding and enforceable judgment (compare *Streltsov and other "Novocherkassk military pensioners" cases v. Russia*, nos. 8549/06 et al., § 40, 29 July 2010). The Court therefore concludes that both widows may legitimately claim to be victims of the alleged violation of the legal certainty requirement.

15. The situation is different in the case of *Khatkevich*, in so far as the quashing of the judgment in the applicant's favour had occurred before he passed away. The crux of the grievance under Article 6 was, in fact, frustration of the applicant's reliance on the binding judicial decision. Given that quashing of a final judgment is an instantaneous act and does not create a continuing situation, the Court may have difficulties in finding that the applicant's relatives were also affected by the quashing. As a result, the complaint under Article 6 in the context of the supervisory-review proceedings, if raised separately, might not be automatically considered transferable to the applicant's relatives (see *Streltsov and other "Novocherkassk military pensioners" cases*, cited above, § 40).

16. On the other hand, the Court notes that in the present case the supervisory-review complaint is closely related to the non-enforcement grievance under Article 6. It recalls that the principles insisting that a final judicial decision must not be called into question and should be enforced represent two aspects of the same general concept, namely the "right to a court" (see, for instance, *Sobelin and Others*, cited above, § 67). The Court has consistently recognised the standing of close relatives of deceased applicants in respect of non-enforcement complaints (see, among others, *Shiryayeva v. Russia*, no. 21417/04, § 9, 13 July 2006). Given that the

supervisory-review complaints under Article 6 and Article 1 of Protocol No. 1 are closely interrelated, the Court has also been prepared to accept the relatives' standing under both those provisions. In view of the above, the Court does not consider it necessary to draw a distinction between two aspects of the applicant's complaint for the purpose of determination of the standing issue. It therefore finds that Ms Margarita Igorevna Khatkevich has standing to pursue her late husband complaints under both Article 6 and Article 1 of Protocol No. 1 (see *Streltsov and other "Novocherkassk military pensioners"* cases, cited above, § 41).

III. ALLEGED VIOLATION OF ARTICLE 6 AND ARTICLE 1 OF PROTOCOL No. 1 ON ACCOUNT OF THE QUASHING OF THE FINAL JUDGMENTS

17. The applicants complained that the non-enforcement and subsequent quashing of the binding judgments in supervisory review proceedings had violated their right to a court under Article 6 of the Convention and the right to peaceful enjoyment of their possessions under Article 1 of Protocol No. 1. Insofar as relevant, these Articles read as follows:

Article 6 § 1

"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. ..."

A. Admissibility

18. The Government submitted that the applications were inadmissible. They pointed out in the first place that some of the applicants had initially complained only of non-enforcement of the judgments and failed to invoke their quashing on supervisory review within the six-month time-limit as required by Article 35 § 1 of the Convention. They further argued in some cases that Article 6 of the Convention was not applicable to the domestic litigations as they concerned the military personnel and could therefore not be qualified as "civil". Finally, they submitted with regard to all cases that the quashing of the judgments by the Presidium of the Moscow Circuit Military Court was lawful, legitimate and compliant with the principle of legal certainty: the supervisory review had been meant to correct gross violations of domestic law and to ensure its uniform and coherent application.

19. The applicants argued that their applications were admissible, referring to the existence of the Court's established case-law on the issues

involved. Some applicants stated that they were unaware of the supervisory review proceedings and disputed the fact that they had been properly notified thereof. They submitted that the situation here at issue had already been examined by the Court in several previous cases, which were decided in the applicants' favour (e.g. *Kozeyev v. Russia*, no. 934/03, 31 July 2007).

20. The Court notes with the Government that some of the applicants initially complained only of non-enforcement of the judgments without referring to the quashing of those judgments on supervisory review. While the Government submitted that the applicants had been duly notified of the supervisory review proceedings, the case-files contain no evidence that the applicants had actually received the information. The applicants on their part provided some elements indicating the contrary. In these circumstances the Court cannot find it established that the applicants concerned knew about the supervisory review proceedings and were able to complain thereof within six-months of the quashing. The Court also bears in mind that the principles insisting that a final judicial decision must not be called into question and should be enforced represent two aspects of the same general concept, namely the right to a court (see *Sobelin and Others*, cited above, § 67, and *Kulkov and Others v. Russia*, nos. 25114/03 et al., § 35, 8 January 2009) and that the applicants had complained at the outset of the violation of that right by the authorities. Finally, the parties have used the opportunity to submit their observations on both the non-enforcement and quashing of the judgments. The Government's objection must therefore be dismissed.

21. As regards the applicability of Article 6 to the applicants' cases, the Court reiterates that civil servants can only be excluded from the protection embodied in Article 6 if the State in its national law expressly excluded access to a court for the category of staff in question and if this exclusion was justified on objective grounds in the State's interest (see *Vilho Eskelinen and Others v. Finland*, [GC], no. 63235/00, §62, ECHR 2007-II). The Court considers that these conditions were not satisfied in the present cases, as all applicants had access to courts in accordance with the domestic law. Accordingly, the Government's objection should be dismissed in line with the Court's decisions in numerous similar cases (see *Dovguchits v. Russia*, no. 2999/03, §§ 19-24, 7 June 2007, and *Kulkov and Others*, cited above, § 19).

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

B. Merits

23. The Court reiterates that legal certainty, which is one of the fundamental aspects of the rule of law, presupposes respect for the principle of *res judicata*, that is the principle of the finality of judgments. A departure from that principle is justified only when made necessary by circumstances of a substantial and compelling character, such as correction of fundamental

defects or miscarriage of justice (see *Brumărescu v. Romania* [GC], no. 28342/95, § 61, ECHR 1999-VII, and *Ryabykh v. Russia*, cited above, §§ 51-52).

24. The Court further recalls that it has already found numerous violations of the Convention on account of the quashing of binding and enforceable judgments by way of supervisory review under the Code of Civil Procedure as in force at the material time. Some of these violations were found in virtually identical circumstances involving retired servicemen (see, among many others, *Kondrashov and Others v. Russia*, nos. 2068/03 et al., §§ 21-24, 8 January 2009, and *Kulkov and Others*, cited above, §§ 25-33). In those cases the Court found that the quashing of final judgments in the applicants' favour was not justified by circumstances of compelling and exceptional character. The Court finds no reason to come to a different conclusion in the present case. All arguments submitted by the Government were addressed in detail and dismissed in the aforementioned previous cases.

25. The Court accordingly concludes that the quashing of the binding and enforceable judgments in the applicants' cases amounts to a breach of the principle of legal certainty in violation of Article 6 of the Convention. The quashing of the judgments frustrated the applicants' reliance on the binding judicial decisions and deprived them of an opportunity to receive the judicial awards they had legitimately expected to receive (see *Dovguchits*, cited above, § 35). There has accordingly been also a violation of Article 1 of Protocol No. 1.

IV. ALLEGED VIOLATION OF ARTICLE 6 OF THE CONVENTION AND ARTICLE 1 OF PROTOCOL No. 1 ON ACCOUNT OF THE NON-ENFORCEMENT OF THE JUDGMENTS

26. The applicants also complained of a violation of Article 6 of the Convention and of Article 1 of Protocol No. 1 on account of non-enforcement of the judgments which were quashed on supervisory review. The Court notes that in five cases (*Sergeyev*, *Matyushin*, *Khatkevich*, *Belchevskiy*, *Yermakov and Glukhov*) the judgments were quashed less than one year after they became binding and enforceable. Given its above finding under Article 6 and Article 1 of Protocol No. 1 on account of the quashing of the judgments on supervisory review, the Court considers that it is not necessary to examine separately the issue of their subsequent non-enforcement by the authorities in those cases. A separate issue as to non-enforcement of judgments arises, however, in respect of six other applicants (Mr Tatarinov, Ms Krivtsova, Ms Bazarkova, Mr Shchetinin, Mr Kolosvetov and Mr Pronin), as the judgments in their favour had remained unenforced for several years before their quashing on supervisory review (see *Kazakevich and 9 other "Army Pensioners" cases v. Russia*, nos. 14290/03 et al., §§ 32-33, 14 January 2010).

A. Admissibility

27. The Court notes that the complaints about non-enforcement of the domestic judgments in respect of the six above-mentioned applicants are not manifestly ill-founded within the meaning of Article 35 § 3 of the Convention. It also notes that they are not inadmissible on any other grounds. They must therefore be declared admissible.

B. Merits

28. The Government argued that the applicants had failed to address the relevant domestic authorities to ensure proper and timely enforcement of the judgments prior to their quashing. They concluded that the responsibility for prolonged non-enforcement of the judgments could not be attributed to the authorities.

29. The applicants maintained their complaints.

30. 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). The reasonableness of such delay is to be determined having regard in particular to the complexity of the enforcement proceedings, the applicant's own behaviour and that of the competent authorities, the amount and the nature of court award (see *Raylyan v. Russia*, no. 22000/03, § 31, 15 February 2007).

31. The Court notes that the binding and enforceable judgment of the Kaluga *Garrison* Military Court of 19 December 2001 remained unenforced for three years and eleven months in respect of five applicants (Mr Tatarinov, Ms Krivtsova, Ms Bazarkova, Mr Shchetinin and Mr Kolosvetov). The binding and enforceable judgment delivered by the same court on 27 February 2002 in favour of another applicant, Mr Pronin, remained unenforced for more than four years.

32. In the light of the Court's established case-law, such long delays appear at the outset incompatible with the requirement to enforce the judgments within a reasonable time (see *Burdov v. Russia (no. 2)*, no. 33509/04, ECHR 2009, and *Kondrashov and Others*, cited above). The Government provided no argument allowing the Court to come to a different conclusion in the present case.

33. As regards the Government's argument about the applicants' behaviour, the Court reiterates that the primary responsibility to enforce a judgment delivered by a domestic court against the State lies with the domestic authorities. The requirement of the creditor's cooperation must not go beyond what is strictly necessary and, in any event, does not relieve the authorities of their obligation under the Convention to take timely action of their own motion, on the basis of the information available to them, with a view to honouring the judgment against the State (see *Akashev v. Russia*, no. 30616/05, § 22, 12 June 2008, and *Burdov (no. 2)*, cited above, § 69). The Government did not demonstrate that the applicants failed to cooperate with a view to enforcement of the judgments or obstructed the process in

any manner (compare *Belayev v. Russia* (dec.), no. 36020/02, 22 March 2011).

34. In view of the foregoing, the Court concludes that the authorities' prolonged failure to enforce the binding and enforceable judgments in respect of the six applicants amounted to violations of Article 6 of the Convention and of Article 1 of Protocol No. 1.

V. ALLEGED VIOLATION OF ARTICLE 13 OF THE CONVENTION ON ACCOUNT OF THE LACK OF DOMESTIC REMEDIES IN RESPECT OF NON-ENFORCEMENT OF THE JUDGMENTS

35. One of the applicants, Mr Pronin, also complained of the lack of domestic remedies in respect of the lengthy non-enforcement of the domestic judgment of 27 February 2002 delivered by the Kaluga *Garrison* Military Court in his favour.

36. The Court refers at the outset to its finding that the applicant was a victim of lengthy non-enforcement of the judgment in his favour prior to the quashing of that judgment by way of supervisory review (see paragraph 32 above). It also refers to its frequent previous findings that there was no effective domestic remedy in the Russian legal system in respect of such violations of the Convention during the relevant period (see *Burdov (no. 2)*, cited above, § 117).

37. The Court notes at the same time that a new domestic remedy was introduced by the federal laws № 68-Ø3 and № 69-Ø3 in the wake of the *Burdov (no. 2)* pilot judgment and that it was available to all applicants, whose applications were brought before the Court by that time. Given those special circumstances, the Court decided in a number of cases involving violations on account of lengthy non-enforcement of judgments that it was not necessary to proceed to a separate examination of the applicants' complains under Article 13 (see *Kravchenko and Others (military housing) v. Russia*, nos. 11609/05 et al., §§ 40-45, 16 September 2010, and *Vasilchenko v. Russia*, no. 34784/02, §§ 54-59, 23 September 2010). The Court finds it appropriate to follow the same approach in the present case.

38. While the Court regards the applicant's complaint under Article 13 as admissible, it concludes for the reasons set out above that there is no need for its separate examination in the present case.

VI. APPLICATION OF ARTICLE 41 OF THE CONVENTION

39. 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

40. The applicants claimed in respect of pecuniary damage the sums awarded to them by the judgments delivered in their favour by the Ryazan and Kaluga *Garrison* Military Courts and compensation for inflation losses (see details in the table appended). Six applicants (Mr Sergeyev, Mr Matyushin, Mr Khatkevich, Mr Belchevskiy, Mr Yermakov and Mr Glukhov) twice adjusted their claims for inflation losses in order to take account of the depreciation of the Russian currency since July 2008, when they first submitted their just satisfaction claims. All applicants also claimed various amounts ranging between 5,000 and 10,000 euros (EUR) in compensation for non-pecuniary damage.

41. The Government considered that nothing should be awarded in respect of pecuniary damage as the domestic courts awards were later found to be unlawful and quashed. They also considered the claim for non-pecuniary damage to be excessive and unreasonable.

42. The Court recalls 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, p. 16, § 12, Series A no. 85; and, *mutatis mutandis*, *Gençel v. Turkey*, no. 53431/99, § 27, 23 October 2003). The Court considers that this principle should apply in the present cases (see *Dovguchits* cited above, § 48).

43. The applicants were prevented from receiving the amounts they had legitimately expected to receive under the binding and enforceable judgments delivered by domestic courts in their favour. Accordingly, the Court awards the applicants the amounts granted by the judgments of the Ryazan and Kaluga *Garrison* Military Courts (see details in the table appended).

44. The Court further accepts the applicants' argument relating to the loss of value of these awards since the judgments in their favour became final. It finds that the sums claimed by the applicants in that respect appear substantiated, reasonable and consistent with the Court's awards in previous similar cases (see *Kondrashov and Others*, and *Kulkov and Others*, cited above). The Court therefore decides to grant the applicants claims in full (see details in the table appended). At the same time the Court does not find it appropriate to grant the six applicants' additional claims for exhaustive compensation of inflation losses due to the depreciation of the Russian

currency since their first claims were submitted (see paragraph 40 above). The Court reiterates that its role, as an international judicial authority, is not to compensate applicants' losses minutely and exhaustively (*Ryabov and 151 other "Privileged pensioners" cases v. Russia*, nos. 4563/07 et al., § 21, 17 December 2009). The Court furthermore notes that, in accordance with its established practice, it will make its awards in Euros, using the rate applicable at the date of the applicants' claims and thus limiting the depreciation effect referred to by the applicants.

45. The Court finally finds that the applicants have suffered non-pecuniary damage as a result of the violations found which cannot be compensated by the mere finding of a violation. Having regard to the circumstances of the cases and making its assessment on an equitable basis, as required by Article 41 of the Convention, the Court awards to each applicant a sum of EUR 3,000 in respect of non-pecuniary damage, plus any tax that may be chargeable on that amount.

B. Costs and expenses

46. Seven applicants claimed various amounts for costs and expenses (see details in the table appended). Six applicants (Mr Sergeyev, Mr Matyushin, Mr Khatkevich, Mr Belchevskiy, Mr Yermakov and Mr Glukhov) provided the lawyer's bills and postal receipts in support of their claims. Mr Pronin claimed 6,000 Russian Roubles (RUB) but provided a postal receipt only for RUB 1,852.00.

47. The Government considered that the claims were substantiated in certain parts, while challenging the validity of the lawyer's bills in respect of the six applicants mentioned above.

48. 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. In the present case, regard being had to the information in its possession and the above criteria, the Court notes that the sums claimed are in line with the awards made in previous similar cases. It is also satisfied that they are substantiated and evidenced by the documents submitted by the applicants, except in Mr Pronin's case. The Court therefore decides to award the latter an equivalent of RUB 1,852.00 which was evidenced by the relevant postal receipt and to grant the other six applicants' claims in full.

C. Default interest

49. 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 applications admissible;
3. *Holds* that there has been a violation of Article 6 of the Convention and of Article 1 of Protocol No. 1 in all cases on account of the quashing of the judgments in the applicants' favour by way of supervisory review;
4. *Holds* that there has been a violation of Article 6 of the Convention and of Article 1 of Protocol No. 1 on account of non-enforcement of the judgments prior to their quashing in respect of six applicants, namely Mr Tatarinov, Ms Krivtsova, Ms Bazarkova, Mr Shchetinin, Mr Kolosvetov and Mr Pronin;
5. *Holds* that it is not necessary to consider separately the remainder of the applicants' complaints relating to non-enforcement of the judgments and the lack of effective domestic remedies in that respect;
6. *Holds*
 - (a) that the respondent State is to pay the applicants within three months the following sums to be converted into Russian roubles at the rate applicable at the date of the settlement:
 - (i) in respect of pecuniary damage:
 - EUR 22,480 (twenty-two thousand four hundred and eighty euros) to S. Sergeyev;
 - EUR 19,545 (nineteen thousand five hundred and forty-five euros) to V. Matyushin;
 - EUR 24,154 (twenty-four thousand one hundred and fifty-four euros) to Margarita Khatkevich;
 - EUR 17,217 (seventeen thousand two hundred and seventeen euros) to V. Belchevskiy;
 - EUR 19,353 (nineteen thousand three hundred and fifty-three euros) to N. Yermakov;
 - EUR 7,555 (seven thousand five hundred and fifty-five euros) to V. Glukhov;
 - EUR 24,151 (twenty-four thousand one hundred and fifty-one euros) to S. Tatarinov;
 - EUR 24,151 (twenty-four thousand one hundred and fifty-one euros) to N. Krivtsova;
 - EUR 24,573 (twenty-four thousand five hundred and seventy-three euros) to M. Bazarkova;
 - EUR 23,939 (twenty-three thousand nine hundred and thirty-nine euros) to Y. Shchetinin;
 - EUR 24,151 (twenty-four thousand one hundred and fifty-one euros) to S. Kolosvetov;

EUR 23,937 (twenty-three thousand nine hundred and thirty-seven euros) to Y. Pronin;

(ii) EUR 3,000 (three thousand euros) to each of the above persons in respect of non-pecuniary damage plus any tax that may be chargeable on these amounts;

(iii) in respect of costs and expenses:

EUR 280 (two hundred and eighty euros) to S. Sergeyev;

EUR 280 (two hundred and eighty euros) to V. Matyushin;

EUR 292 (two hundred and ninety-two euros) to Margarita Khatkevich;

EUR 280 (two hundred and eighty euros) to V. Belchevskiy;

EUR 276 (two hundred and seventy-six euros) to N. Yermakov;

EUR 276 (two hundred and seventy-six euros) to V. Glukhov

EUR 53 (fifty-three euros) to Y. Pronin;

plus any tax that may be chargeable on these amounts;

(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;

7. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 6 March 2012, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

André Wampach
Deputy Registrar

Mirjana Lazarova Trajkovska
President

APPENDIX

| APPLICATION NO. (DATE OF INTRODUCTION AND COMMUNICATION) | APPLICANT (YEAR OF BIRTH) | DOMESTIC JUDGMENT | COURT AWARD | JUDGMENT ON SUPERVISORY REVIEW | JUST SATISFACTION CLAIMS |
|---|---|---|---|--|---|
| 28309/03 (lodged on 29/07/2003, communicated on 21/01/2008) | Sergeyev Sergey Borisovich (1964) | Ryazan <i>Garrison</i> Military Court, 11/12/2001, final on 24/12/2001 | 376,848.63 RUB | Presidium of the Moscow Circuit Military Court, 6/11/2002 | <u>Pecuniary damage:</u> 376,848.63 RUB (capital sum) and 454,404.07 RUB (inflation loss) <u>Non-pecuniary damage:</u> 7,000 EUR <u>Costs:</u> 10,396.30 RUB |
| 28318/03 (lodged on 29/07/2003, communicated on 5/12/2007) | Matyushin Vladimir Fedorovich (1966) | Ryazan <i>Garrison</i> Military Court, 11/12/2001, final on 24/12/2001 | 336,024.11 RUB | Presidium of the Moscow Circuit Military Court, 6/11/2002 | <u>Pecuniary damage:</u> 336,024.11 RUB (capital sum) and 384,344.37 RUB (inflation loss) <u>Non-pecuniary damage:</u> 7,000 EUR <u>Costs:</u> 10,371.60 RUB |
| 28379/03 (lodged on 31/07/2003, communicated on 22/04/2008) | Khatkevich Aleksandr Stepanovich (1967) | Ryazan <i>Garrison</i> Military Court, 11/12/2001, final on 24/12/2001 | 383,343.44 RUB | Presidium of the Moscow Circuit Military Court, 6/11/2002 | <u>Pecuniary damage:</u> 383,343.44 RUB (capital sum) and 476,419.23 RUB (inflation loss) <u>Non-pecuniary damage:</u> 7,000 EUR <u>Costs:</u> 10,405.60 RUB |
| 17147/04 (lodged on 30/03/2004, communicated on 17/01/2008) | Belchevskiy Vladimir Vladimirovich (1962) | Ryazan <i>Garrison</i> Military Court, 25/07/2003, final on 22/08/2003 | 352,302.80 RUB | Presidium of the Moscow Circuit Military Court, 19/11/2003 | <u>Pecuniary damage:</u> 352,302.80 RUB (capital sum) and 282,053.62 RUB (inflation loss) <u>Non-pecuniary damage:</u> 7,000 EUR <u>Costs:</u> 10,315.60 RUB |
| 19131/04 (lodged on 7/05/2004, communicated on 15/03/2007) | Yermakov Nikolay Mikhaylovich (1980) Glukhov Vladimir Ivanovich (1956) | Ryazan <i>Garrison</i> Military Court, 15/01/2003, final on 3/03/2003 | 443,856.68 RUB to Mr Yermakov 171,062.57 RUB to Mr Glukhov | Presidium of the Moscow Circuit Military Court, 19/11/2003 | <u>Pecuniary damage:</u> 443,856.68 RUB (capital sum) and 256,337.52 RUB (inflation loss) to Mr Yermakov 171,062.57 RUB (capital sum) and 102,261.20 RUB (inflation loss) to Mr Glukhov <u>Non-pecuniary damage:</u> 7,000 EUR to each applicant <u>Costs:</u> 10,000 RUB to each applicant |

| APPLICATION. NO. (DATE OF INTRODUCTION AND COMMUNICATION) | APPLICANT (YEAR OF BIRTH) | DOMESTIC JUDGMENT | COURT AWARD | JUDGMENT ON SUPERVISORY REVIEW | JUST SATISFACTION CLAIMS |
|---|--|---|----------------|--|--|
| 43601/05 (lodged on 24/11/2005, communicated on 23/09/2009) | Tatarinov Sergey Leonidovich (1968) | Kaluga <i>Garrison</i> Military Court, 19/12/2001, final on 3/01/2002 | 457,749.42 RUB | Presidium of the Moscow Circuit Military Court, 21/12/2005 | <u>Pecuniary damage:</u> 457,749.42 RUB (capital sum) and 519,331.67 RUB (inflation loss) <u>Non-pecuniary damage:</u> 5,000 EUR |
| 32383/06 (lodged on 16/06/2006, communicated on 23/09/2009) | Krivtsova Nina Nikolayevna (1963) | Kaluga <i>Garrison</i> Military Court, 19/12/2001, final on 3/01/2002 | 457,749.42 RUB | Presidium of the Moscow Circuit Military Court, 21/12/2005 | <u>Pecuniary damage:</u> 457,749.42 RUB (capital sum) and 519,331.67 RUB (inflation loss) <u>Non-pecuniary damage:</u> 5,000 EUR |
| 32485/06 (lodged on 17/06/2006, communicated on 23/09/2009) | Barzakova Margarita Yuryevna (1961) | Kaluga <i>Garrison</i> Military Court, 19/12/2001, final on 3/01/2002 | 468,254.85 RUB | Presidium of the Moscow Circuit Military Court, 21/12/2005 | <u>Pecuniary damage:</u> 468,254.85 RUB (capital sum) and 525,912.75 RUB (inflation loss) <u>Non-pecuniary damage:</u> 5,000 EUR |
| 34874/06 (lodged on 14/06/2006, communicated on 23/09/2009) | Shchetinin Yuriy Konstantinovich (1958) | Kaluga <i>Garrison</i> Military Court, 19/12/2001, final on 3/01/2002 | 453,925.92 RUB | Presidium of the Moscow Circuit Military Court, 21/12/2005 | <u>Pecuniary damage:</u> 453,925.92 RUB (capital sum) and 514,567.72 RUB (inflation loss) <u>Non-pecuniary damage:</u> 5,000 EUR |
| 40405/06 (lodged on 20/06/2006, communicated on 23/09/2009) | Kolosvetov Sergey Vladimirovich (1967) | Kaluga <i>Garrison</i> Military Court, 19/12/2001, final on 3/01/2002 | 457,749.42 RUB | Presidium of the Moscow Circuit Military Court, 21/12/2005 | <u>Pecuniary damage:</u> 457,749.42 RUB (capital sum) and 519,331.67 RUB (inflation loss) <u>Non-pecuniary damage:</u> 5,000 EUR |
| 45497/06 (lodged on 2/10/2006, communicated on 19/01/2007) | Pronin Yevgeniy Viktorovich (1979) | Kaluga <i>Garrison</i> Military Court, 27/02/2002, final on 11/03/2002 | 468,883.14 RUB | Presidium of the Moscow Circuit Military Court, 5/04/2006 | <u>Pecuniary damage:</u> 468,883.14 RUB (capital sum) and 368,635.92 RUB (inflation loss) <u>Non-pecuniary damage:</u> 10,000 EUR Costs: 6,000 RUB |