



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

FIRST SECTION

DECISION

Application no. 23557/06
Vladimir Aleksandrovich MANDRYKIN
against Russia

The European Court of Human Rights (First Section), sitting on 1 April 2014 as a Committee composed of:

Mirjana Lazarova Trajkovska, *President*,

Paulo Pinto de Albuquerque,

Ksenija Turković, *judges*,

and André Wampach, *Deputy Section Registrar*,

Having regard to the pilot-judgment in the case of *Burdov v. Russia (no. 2)* (no. 33509/04, ECHR 2009),

Having regard to the above application lodged on 16 May 2006,

Having regard to the observations submitted by the respondent Government and the observations submitted by the applicant in reply,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Vladimir Aleksandrovich Mandrykin, is a Russian national, who was born in 1951 and lives in the town of Shakhty in the Rostov Region.

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

The applicant is a clean-up worker of the Chernobyl nuclear accident site.

The applicant sued local social-security offices for an increase of monthly pension in line with the inflation. On 9 July 1999 the Shakhty Town Court ruled in favour of the applicant. The national court awarded compensation and fixed further monthly payments which were to be subsequently adjusted. The judicial award was only paid in April 2002. The

Court found a violation of Article 6 of the Convention and Article 1 of Protocol No. 1 in respect of that enforcement delay (see *Aleksentseva and Others v. Russia*, nos. 75025/01 et al., 17 January 2008).

By the judgment of the Shakhty Town Court dated 14 May 2009 the monthly pension was further increased and the applicant was awarded 9,078.58 Russian roubles. The decision became final on 22 June 2009 and was executed on 11 November 2009.

COMPLAINTS

The applicant complained under Article 6 of the Convention and Article 1 of Protocol No. 1 about failure of the State to enforce duly and in a timely manner the judgments in his favour.

THE LAW

The Court will examine the complaints about the delayed enforcement of the judgments under Article 6 § 1 of the Convention and 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. 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.”

The Court reiterates at the outset that following the *Burdov* pilot judgment, cited above, it adjourned the adversarial proceedings on all applications lodged with the Court in which the applicants complained of non-enforcement or delayed enforcement of domestic judgments ordering monetary payments by State authorities pending the adoption of domestic remedial measures. However, such adjournment was without prejudice to the Court’s power at any moment to declare inadmissible any such case (see *Burdov* (no. 2), cited above, § 146).

The Court also notes that the present case was communicated to the respondent State on 7 September 2012 with a view to its settlement in line with the above-mentioned pilot judgment.

The Government argued in response, however, that the complaint about the failure to enforce the judgment of 9 July 1999 duly and in a timely manner was inadmissible because it was substantially the same as the one that had already been examined by the Court in the case *Aleksentseva and Others*, cited above.

The Government also argued that the applicant's second complaint about the delayed enforcement of the judgment of 14 May 2009 was manifestly ill-founded because the judgment had been enforced within a reasonable time.

The applicant maintained his complaints.

As regards the complaint about the delayed enforcement of the judgment of 9 July 1999, the Court finds that it is substantially the same as the one which has already been examined on 17 January 2008 by the Court in the case *Aleksentseva and Others*, cited above, in which the Court has found a violation of Article 6 of the Convention and Article 1 of Protocol No. 1. It follows that this complaint must be rejected in accordance with Article 35 §§ 2 and 4 of the Convention.

In relation to the complaint about the delayed enforcement of the judgment of 14 May 2009 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). To decide if the delay was reasonable, it will look, first, at how long it took the authorities to execute the judgment and also how complex the enforcement proceedings were, how the applicant and the authorities behaved, and what the nature of the award was (see *Raylyan v. Russia*, no. 22000/03, § 31, 15 February 2007).

The Court notes, however, that the period of enforcement of this judgment was less than one year. Having regard to this fact and the Court's case-law in similar cases, and taking into account the other circumstances of the present cases, the Court considers that this period did not fall short of the requirements of the Convention (see, for example, *Belkin and Others v. Russia* (dec.), nos. 14330/07 et al., 5 February 2009).

It follows that this complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

The applicant also made other 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 these parts of the application are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court unanimously

Declares inadmissible the application.

André Wampach
Deputy Registrar

Mirjana Lazarova Trajkovska
President