



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

1959 · 50 · 2009

FIRST SECTION

DECISION

*This version was rectified on 10 March 2010
under Rule 81 of the Rules of Court*

Application no. 6394/05
by Viktor Mikhaylovich USKOV
and 17 other applications
(nos. 7144/05, 9464/05, 10542/05, 30006/06, 39119/06, 50742/06, 2229/07,
5951/07, 31624/07, 31698/07, 51340/07, 51342/07, 9463/08, 13132/08,
16251/08, 16849/08 and 39590/08)
against Russia

The European Court of Human Rights (First Section), sitting on
12 November 2009 as a Chamber composed of:

Christos Rozakis, *President*,

Nina Vajić,

Anatoly Kovler,

Khanlar Hajiyev,

Dean Spielmann,

Giorgio Malinverni,

George Nicolaou, *judges*,

and Søren Nielsen, *Section Registrar*,

Having regard to the above applications,

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

Having regard to the declarations submitted by the respondent
Government requesting the Court to strike the applications out of the list of
cases and the applicants' replies to those declarations,

Having deliberated, decides as follows:

THE FACTS

The applicants are 100 Russian nationals whose names and dates of birth are tabulated below. The Russian Government (“the Government”) were represented by Mr G. Matyushkin, the Representative of the Russian Federation at the European Court of Human Rights.

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

Under domestic law the applicants were entitled to social benefits. Because the State failed to pay these benefits in full or in time, the applicants sought relief in the courts. The courts held for the applicants and ordered the authorities to pay arrears and to upgrade periodic payments. These judgments became binding but the authorities delayed their enforcement.

COMPLAINT

The applicants complained about the delayed enforcement of the judgments and assorted faults that allegedly accompanied the proceedings.

THE LAW

In July 2009 the Government submitted to the Court unilateral declarations aimed at resolving the issue raised by the applications. The Government requested the Court to strike out the applications in accordance with Article 37 of the Convention. The declarations read as follows:

“[T]he Russian authorities acknowledge the excessive duration of the enforcement of [the applicants' judgments].

The authorities are ready to pay [the applicants] *ex gratia* [the sums tabulated below].

The authorities therefore invite the Court to strike [the applications] out of the list of cases. They suggest that the present declaration might be accepted by the Court as “any other reason” justifying the striking out of the case of the Court's list of cases, as referred to in Article 37 § 1 (c) of the Convention.

The [sums tabulated below], which [are] to cover any pecuniary and non-pecuniary damage as well as costs and expenses, will be free of any taxes that may be applicable. [They] will be payable within three months from the date of notification of the decision taken by the Court pursuant to Article 37 § 1 of the European Convention on Human Rights. In the event of failure to pay [these sums] within the said three-month period, the Government undertake to pay simple interest on [them] from expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

This payment will constitute the final resolution of the case.”

Some applicants objected to these declarations in principle and requested the Court to continue the adversarial proceedings. Some applicants agreed with the sums offered but insisted that their applications may be struck out only after the payment. They also noted that the Government had not acknowledged a breach of the Convention. Some applicants disagreed with the sums offered, but accepted the declarations for want of better options. Some applicants asked the Court to stop the proceedings having lost belief in their favourable outcome. Some applicants accepted the declarations entirely.

The Court reiterates that under Article 37 of the Convention it may at any stage of the proceedings strike an application out of its list of cases where the circumstances lead to the conclusions specified under (a), (b), or (c) of that Article.

Article 37 § 1 (c) enables the Court in particular to strike a case out of its list if:

“for any other reason established by the Court, it is no longer justified to continue the examination of the application.”

Article 37 § 1 *in fine* states:

“However, the Court shall continue the examination of the application if respect for human rights as defined in the Convention and the protocols thereto so requires.”

The Court recalls that in its pilot judgment (*Burdov v. Russia (no. 2)*, cited above) it recently ordered the Russian Federation to

“grant [adequate and sufficient] redress, within one year from the date on which the judgment [became] final, to all victims of non-payment or unreasonably delayed payment by State authorities of a judgment debt in their favour who [had] lodged their applications with the Court before the delivery of the present judgment and whose applications [had been] communicated to the Government under Rule 54 § 2 (b) of the Rules of the Court.”

In the same judgment the Court also held that

“pending the adoption of the above measures, the Court [would] adjourn, for one year from the date on which the judgment [became] final, the proceedings in all cases concerning solely the non-enforcement and/or delayed enforcement of domestic judgments ordering monetary payments by the State authorities, without prejudice to the Court's power at any moment to declare inadmissible any such case or to strike it out of its list following a friendly settlement between the parties or the resolution of the matter by other means in accordance with Articles 37 or 39 of the Convention.”

Having examined the terms of the Government's declarations, the Court understands them as intending to give the applicants redress in line with the pilot judgment (see *Burdov (no. 2)*, cited above, §§ 127 and 145 and point 7 of the operative part).

Having regard to the acknowledgement contained in the declarations together with the amounts of compensation proposed, the Court considers

that it is no longer justified to continue the examination of the applications. Moreover, the Court is satisfied that respect for human rights as defined in the Convention and the protocols thereto does not require it to continue the examination of the applications.

Accordingly, the applications should be struck out of the list.

As regards the question of implementation of the Government's undertakings raised by certain applicants, the Committee of Ministers remains competent to supervise this matter in accordance with Article 46 of the Convention (see the Committee's decisions of 14-15 September 2009 concerning the implementation of the *Burdov (no. 2)* judgment, CM/Del/Dec(2009)1065). In any event the Court's present ruling is without prejudice to any decision it might take to restore, pursuant to Article 37 § 2 of the Convention, the present applications to the list of cases (see *E.G. v. Poland* (dec.), no. 50425/99, § 29, ECHR 2008-... (extracts)).

For these reasons, the Court unanimously

Takes note of the terms of the respondent Government's declarations;

Decides to strike the applications out of its list of cases.

Søren Nielsen
Registrar

Christos Rozakis
President

ANNEX

Application no.	Applicant	Born	Sum
6394/05	Uskov Viktor Mikhaylovich	1939	2 050 €
7144/05	Paramonov Viktor Vasilyevich	1941	3 350 €
9464/05	Shniolis Stanislavas Alfonso	1942	2 050 €
10542/06	Kirillov Yevgeniy Sergeyevich	1958	2 050 €
30006/06	Gorokhov Dmitriy Ivanovich	1952	2 050 €
	Rusayev Rostislav Vladimirovich	1961	2 050 €
39119/06	Stankevich Yuriy Aleksandrovich	1955	1 400 €
50742/06	Sergeyenko Georgiy Andreyevich	1937	2 050 €
2229/07	Ignatyev Yuriy Ivanovich	1951	2 700 €
5951/07	Khaliullin Rakip Gabdulkhayevich	1949	2 700 €
31624/07	Nasilnikov Ivan Ivanovich	1950	2 700 €
31698/07	Neznanov Anatoliy Aleksandrovich	1957	2 050 €
51340/07	Minasyan Samvel Sarkisovich	1951	2 050 €
	Pavlov Nikolay Georgiyevich	1946	2 050 €
	Sazykin Aleksandr Stepanovich	1952	2 050 €
	Denisenko Ivan Pavlovich	1947	2 050 €
	Pavlov Aleksandr Aleksandrovich	1955	2 050 €
	Dydar Valeriy Vladimirovich	1967	2 050 €
	Kruglov Vladimir Mikhaylovich	1945	2 050 €
	Snezhko Valentin Dmitriyevich	1943	2 050 €
	Mayorov Nikolay Ivanovich	1943	2 050 €
	Tretyakov Igor Aleksandrovich	1954	2 050 €
	Makagonov Grigoriy Nikolayevich	1949	2 050 €
	Reznikov Viktor Stepanovich	1955	2 050 €
	Merzlikin Yuriy Petrovich	1947	2 050 €
	Vanzha Grigoriy Nikolayevich	1953	2 050 €
	Terekhov Anatoliy Nikolayevich	1949	2 050 €
	Kuznetsov Pyotr Ivanovich	1951	2 050 €
	Martynov Vladimir Iliyeh	1954	2 050 €

Application no.	Applicant	Born	Sum
	Nechayev Vasiliiy Markovich	1950	2 050 €
	Borzov Vladimir Mikhaylovich	1951	2 050 €
	Nazarenko Grigoriy Romanovich	1947	2 050 €
	Yakovenko Nikolay Fyodorovich	1947	2 050 €
	Drozдов Viktor Alekseyevich	1947	2 050 €
	Seletskiy Vladimir Nikolayevich	1950	2 050 €
	Koda Anatoliy Vasilyevich	1954	2 050 €
	Achagov Aleksandr Anatolyevich	1959	2 050 €
	Borovikov Vasiliiy Vasilyevich	1947	2 050 €
	Kozub Vladimir Andreyevich	1945	2 050 €
	Ilyenko Vladimir Nikolayevich	1943	2 050 €
	Khodakovskiy Grigoriy Iosifovich	1950	2 050 €
	Frolov Gennadiy Alekseyevich	1945	2 050 €
51342/07	Belov Vladimir Vladimirovich	1946	1 400 €
	Berezhnoy Yuriy Mikaylovich	1951	1 400 €
	Beloverbenko Anatoliy Valentinovich	1954	1 400 €
	Burtan Yuriy Anatolyevich	1961	1 400 €
	Bykovskiy Pyotr Pavlovich	1944	1 400 €
	Varlamov Fyodor Alekseyevich	1965	1 400 €
	Vikhtevskiy Anatoliy Nikolayevich	1952	1 400 €
	Volchenko Vladimir Petrovich	1951	1 400 €
	Gavrilov Yevgeniy Vladimirovich	1951	1 400 €
	Gonchar Nikolay Pavlovich ¹	1950	1 400 €
	Gres Dmitriy Alekseyevich	1952	1 400 €
	Davydenko Yuriy Sergeyevich	1966	1 400 €
	Denisenko Aleksey Grigoryevich	1952	1 400 €
	Dobrovolskiy Vladimir Alekseyevich	1955	1 400 €
	Yevdokimenko Nikolay Mikaylovich	1946	1 400 €
	Ivanitskiy Vasiliiy Romanovich	1954	1 400 €

¹ Rectified on 10 March 2010: the text was "Gonchar Nikolay Petrovich"

Application no.	Applicant	Born	Sum
	Ignatenko Anatoliy Nikolayevich	1953	1 400 €
	Ishekov Anatoliy Alekseyevich	1948	1 400 €
	Kazakov Leonid Yegorovich	1945	1 400 €
	Kovyazov Andrey Georgiyevich	1965	1 400 €
	Kozhurin Yevgeniy Vladimirovich	1958	1 400 €
	Kornienko Leonid Grigoryevich	1956	1 400 €
	Koroshchenko Aleksandr Vladimirovich	1960	1 400 €
	Koshel Dmitriy Ivanovich	1949	1 400 €
	Kushnarenko Pavel Vasilyevich	1952	1 400 €
	Lavrov Aleksandr Valentinovich	1953	1 400 €
	Lebed Georgiy Kupriyanovich	1952	1 400 €
	Litvinenko Pyotr Nikolayevich	1947	1 400 €
	Luyenko Nikolay Ivanovich	1949	1 400 €
	Makarenko Nikolay Grigoryevich	1951	1 400 €
	Marukhno Nikolay Aleksandrovich	1957	1 400 €
	Migel Yuriy Vasilyevich	1966	1 400 €
	Mosin Aleksandr Vasilyevich	1965	1 400 €
	Nehrist Vladimir Grigoryevich	1947	1 400 €
	Novakov Viktor Georgiyevich	1956	1 400 €
	Pozhidayev Vladimir Nikolayevich	1950	1 400 €
	Orda Aleksandr Ivanovich	1952	1 400 €
	Reznik Vasiliy Stepanovich	1952	1 400 €
	Semko Aleksandr Grigoryevich	1964	1 400 €
	Singayevskiy Ivan Stanislavovich	1951	1 400 €
	Sirota Aleksandr Alekseyevich	1951	1 400 €
	Sokolov Vitaliy Leonidovich	1955	1 400 €
	Stratiy Viktor Mikhaylovich	1953	1 400 €
	Stupak Nikolay Ivanovich	1950	1 400 €
	Sukmanov Vladimir Ivanovich	1952	1 400 €
	Tkachenko Nikolay Ivanovich	1943	1 400 €

Application no.	Applicant	Born	Sum
	Troyanov Georgiy Vasilyevich	1950	1 400 €
	Fomenko Vladimir Sergeyevich	1951	1 400 €
	Cherednichenko Ivan Ivanovich	1954	1 400 €
	Chernomordov Valeriy Ivanovich	1950	1 400 €
	Shabelnikov Aleksandr Ivanovich	1951	1 400 €
	Shayturov Mikhail Pavlovich	1955	1 400 €
	Shapovalov Vladimir Yakovlevich	1952	1 400 €
	Shulga Aleksandr Petrovich	1965	1 400 €
9463/08	Gribanenkov Sergey Vasilyevich	1949	2 050 €
13132/08	Alekseyeva Valentina Nikolayevna	1948	2 050 €
16251/08	Boytssov Vladimir Vitaliyevich	1954	2 050 €
16849/08	Zhilinskiy Anatoliy Mikhaylovich	1929	1 400 €
39590/08	Bogach Igor Ivanovich	1959	4 000 €