



Forthcoming Grand Chamber judgment concerning prolonged non-enforcement of final judicial decisions

The European Court of Human Rights will be delivering, in writing, a **Grand Chamber** judgment¹ in the case of **Burmych and Others v. Ukraine** (application no. 46852/13) on 12 October 2017 at 11 a.m.

The case concerned the prolonged non-enforcement of final judicial decisions.

Principal facts and complaints

The applicants, Ms Lidiya Burmych, Mr Grygoriy Yaremchuk, Mr Oleg Varava and Mr Yuriy Neborachko, are Ukrainian nationals. The applicant Izolyatsiya, PAT, is a private joint-stock company based in Donetsk, Ukraine.

Ms Burmych lives in the village of Olenychi (Ovruch District, Zhytomyr Region), in Ukraine. She resides and works in an area of radioactive contamination and is entitled under national law to various special social welfare benefits for victims of the Chernobyl disaster. In 2009 she instituted proceedings in the Ovruch Local Court against the Labour and Social Welfare Department claiming arrears in social payments due to her. The local court ruled partly in her favour. On 6 July 2009 that judgment became final, and on the same day the Ovruch court issued a writ of execution. Despite a number of actions undertaken by the bailiffs the judgment remains unenforced.

Mr Yaremchuk, a former Chernobyl relief worker, lives in Zhytomyr. Since March 2010 he has a second-degree disability. In October 2010 he instituted proceedings in the Bogunskyy District Court of Zhytomyr against the district department of the pension fund, seeking a higher pension. The court found in his favour. The final judgment remains unenforced.

Mr Varava, a former Chernobyl relief worker, lives in Kremenchuk. Since July 2009 he has a second-degree disability. On 16 August 2010 the Kriukivskyy District Court of Kremenchuk ordered the district Labour and Social Welfare Department to recalculate the amount owed in respect of his participation in the Chernobyl relief work and to pay him a lump sum. The judgment became final, but remains unenforced to this day.

Mr Neborachko lives in Zhytomyr. His father instituted proceedings in the Zhytomyr Circuit Administrative Court against the Zhytomyr Labour and Social Welfare Department seeking recalculation of benefits and payment of the lump sum owed to him. Mr Neborachko continued the proceedings after his father's death. On 24 January 2008 the court ordered the Labour and Social Welfare Department to pay him the outstanding debt owed to his late father. That judgment remains unenforced.

On 13 December 2007 the Dnipropetrovsk Regional Commercial Court allowed a claim lodged by the company Izolyatsiya, PAT against a State Enterprise for restitution of precious metals. That judgment became final and the court issued a writ of execution. Having been informed that the remainder of the precious metals to be restituted under the court's judgment could not be found, Izolyatsiya, PAT requested the court to vary the mode of execution of the judgment relating to that remainder and to award it the monetary equivalent of the missing metals. On 22 September 2008 the court

1. Grand Chamber judgments are final (Article 44 of the Convention).

All final judgments are transmitted to the Committee of Ministers of the Council of Europe for supervision of their execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

amended the procedure for enforcement of the judgment of 13 December 2007 and ordered the State Enterprise to pay the applicant company compensation. The judgment of 13 December 2007 as varied by the ruling of 22 September 2008 remains unenforced.

Relying on Articles 6 § 1 (right to a fair hearing within a reasonable time), 13 (right to an effective remedy) of the European Convention on Human Rights and Article 1 of Protocol No. 1 (protection of property) to the European Convention, the applicants complained about the non-enforcement or delayed enforcement of the domestic judicial decisions delivered in their favour and of the lack of an effective domestic remedy for their complaints under the Convention.

Procedure

The applications were lodged with the European Court of Human Rights respectively on 9 July 2013, 16 July 2013, 8 August 2013, 16 August 2013 and 11 December 2013.

On 8 December 2015 the Chamber [relinquished](#) jurisdiction in favour of the Grand Chamber.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.