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

THIRD SECTION

DECISION

Application no. 20851/05
Buranbay Abdullovich AYSULOV against Russia
and 14 other applications
(see list appended)

The European Court of Human Rights (Third Section), sitting on 5 October 2021 as a Committee composed of:

María Elósegui, *President,*
Darian Pavli,
Frédéric Krenc, *judges,*
and Olga Chernishova, *Deputy Section Registrar,*

Having regard to the above applications lodged on the various dates indicated in the appended table,

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

Having deliberated, decides as follows:

THE FACTS

1. A list of the applicants is set out in the appendix.

2. The Russian Government ("the Government") were represented initially by Mr G. Matyushkin, the Representative of the Russian Federation to the European Court of Human Rights, then by his successor in that office, Mr M. Galperin, and lately by Mr M. Vinogradov, Representative of the Russian Federation to the European Court of Human Rights.

3. The applicants alleged that the national authorities had failed to provide them with the necessary assistance in enforcement of the final court decisions against private parties.

A. The circumstances of the case

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

5. The applicants had final decisions in their favour against private parties rendered by national courts, on various dates, to be enforced. They submitted the writs of execution for these decisions to the bailiffs' service and enforcement proceedings were initiated, which brought no or insufficient results. The applicants lodged civil actions against the bailiffs' service, seeking compensation for non-pecuniary damage by the lengthy non-enforcement of the judgments. The particulars of the relevant domestic proceedings are presented in the appended table.

B. Relevant domestic law

6. The provisions of domestic law concerning execution of judgments were previously set out in the case *Kunashko v. Russia* (no. 36337/03, §§ 27-30, 17 December 2009) and, concerning compensation for damage caused by public authorities and their officials, in the case *Smagilov v. Russia* ((dec.), no. 24324/05, §§ 17-31, 13 November 2014).

COMPLAINTS

7. The applicants complained under Article 6 of the Convention that the national authorities had failed to assist them in the enforcement of the final judgments against private parties. Certain applicants also alleged that the above failure to provide them requisite legal assistance resulted in a violation of Article 1 of Protocol No. 1. Some applicants also lodged an accessory complaint under Article 13 of the Convention.

THE LAW

8. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly.

9. The applicants referring to Article 6 of the Convention and Article 1 of Protocol No. 1 alleged that the Russian authorities had failed to assist them in the enforcement of the judgments in their favour. The Government contested that argument.

10. The Court notes that the applicable general principles are well-established in the case-law. Notably, when final judgments are issued against "private" defendants, the State's positive obligation consists of providing a legal arsenal allowing individuals to obtain, from their evading debtors, payment of sums awarded by those judgments. However this positive obligation is not that of result, but one of means (see, among many

other authorities, *Dachar v. France* (dec.), no. 42338/98, 6 June 2000; *Fuklev v. Ukraine*, no. 71186/01, § 84, 7 June 2005; and *Kunashko*, cited above, §§ 38-39, 17 December 2009).

11. The Court, having carefully examined the applications listed in the appended table and having regard to its case-law, concludes that, in the light of aforementioned and the material in its possession, the State authorities have provided requisite assistance to the applicants in the enforcement of the judgments in their favour, and impossibility of further enforcement cannot be attributed to them. In view of the above, the applications are manifestly ill-founded, and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 4 November 2021.

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Olga Chernishova
Deputy Registrar

María Elósegui
President

Appendix

(non-enforcement or delayed enforcement of domestic judgments against private parties)

	Application no.	**Applicant name Year of birth Place of residence Nationality Represented by**	**Domestic judgment in applicant's favour (court, date, award)**	**Start date of enforcement/submission of the writ to bailiff**	**Article 1069 proceedings (final decision – court, date, award/reason to refuse)**	**Reasons for inadmissibility**
1.	20851/05	Buranbay Abdullovich **AYSULOV** 1951 Krasnodar Russian Self-representation	Prikubanskiy District Court of Krasnodar 20/08/2002 RUB 251,900	Issued and sent to the bailiffs: 02/09/2002 Initiated: 10/10/2002	Unlawful omission recognized: Kanavinskiy District Court of Nizhniy Novgorod 17/03/2005 (not sending copies of documents) Moskovskiy District Court of Nizhniy Novgorod 28/09/2007 22/11/2007 03/10/2008 Compensation proceeding: Declined Sormovskiy District Court of Nizhniy Novgorod 19/04/2006 No causal link	Article 6 – manifestly ill-founded, the State authorities provided requisite assistance to the applicant in the enforcement of the judgment in his favour, impossibility of full enforcement cannot be attributed to them. Article 1 of Protocol No. 1 – manifestly ill-founded, impossibility of further enforcement cannot be attributed to the actions of the authorities. The State cannot be held responsible for the lack of funds on the side of the debtor.
2.	8521/07	Valentina	Troitsk Town Court	Initiated:	Unlawful omission recognized:	Article 6 – manifestly ill-founded, the State authorities provided

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		Mikhaylovna **GANIMAN** 1946 Troitsk, Chelyabinsk Region Russian	28/02/2000 RUB 33,215.50 Indexation of the award Troitsk Town Court 22/09/2005 RUB 72,775.87 Troitsk Town Court 24/08/2007 RUB 83,189.97 Troitsk Town Court 20/04/2009 RUB 101,599.91	07/03/2000	Troitsk Town Court 05/12/2005 Compensation claim: Dismissed Chelyabinsk Regional Court 14/09/2006	requisite assistance to the applicant in the enforcement of the judgment in her favour, impossibility of full enforcement cannot be attributed to them. Article 1 of Protocol No. 1 – manifestly ill-founded, the applicant maintains the possibility to further pursue the enforcement proceedings. The State cannot be held responsible for the lack of funds on the side of the debtor.
3.	53213/08	Vladimir Fedorovich **KUDRYAVTSEV** 1950 Ufa, Republic of Bashkortostan	Kirovskiy District Court of Ufa 15/12/1997 RUB 221,055	Initiated: 12/11/1998	Unlawful omission recognised and compensation proceedings: Supreme Court of the Republic of Bashkortostan 25/03/2008 RUB 50,000 of non-pecuniary damages	Article 6 – manifestly ill-founded, the State authorities provided requisite assistance to the applicant in the enforcement of the judgment in his favour, impossibility of full enforcement cannot be attributed to them. Article 1 of Protocol No. 1 – manifestly ill-founded, the applicant maintains the possibility to further pursue the enforcement proceedings. The State cannot be held responsible for the lack of funds on the side of the debtor.

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		Russian Aleksey Nikolayevich LAPTEV				
4.	40289/10	Aleksandr Vasilyevich **YERMOLAYEV** 1949 Rtischevo, Saratov Region Russian Self-Representation	Commercial Court of the Saratov Region 01/12/1999 RUB 250,000	Initiated: 11/12/2000	Unlawful omission recognised: Commercial Court of Saratov Region 12/10/2005 Commercial Court of Saratov Region 22/11/2006 Compensation proceedings: Federal Commercial Court of the Volga Circuit 26/07/2010 Declined The judgment is against a private party, and thus, falls out of scope of the Compensation Act 2010 Saratov Regional Court 04/05/2011 Declined No causal link	Article 6 – manifestly ill-founded, the State authorities provided requisite assistance to the applicant in the enforcement of the judgment in his favour, enforcement is still possible. Anyway, impossibility of full enforcement cannot be attributed to them. Article 1 of Protocol No. 1 – manifestly ill-founded, the applicant maintains the possibility to further pursue the enforcement proceedings. The State cannot be held responsible for the lack of funds on the side of the debtor. Article 13 – no need to examine separately.

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5.	20536/11	Marina Aleksandrovna **MAKSIMOVA** 14/04/1969 Volgograd Russian	Tsentralniy District Court of Volgograd 16/12/1999 Alimony equal to 25% of the income + additional maintenance equal to 25% of the income	Issued: 16/12/1999	Unlawful omission recognized and compensation proceeding: Krasnooktyabrskiy District Court of Volgograd 20/07/2010 RUB 5,000	Article 6 – manifestly ill-founded, the State authorities provided requisite assistance to the applicant in the enforcement of the judgment in her favour, enforcement is still possible. Anyway, impossibility of full enforcement cannot be attributed to them. Article 1 of Protocol No. 1 – manifestly ill-founded, the applicant maintains the possibility to further pursue the enforcement proceedings. The State cannot be held responsible for the lack of funds on the side of the debtor.
6.	35043/11	Tatyana Yuryevna **ANDREYEVA** 1960 Irina Yuryevna **ANDREYEVA** 1992 Olga Yuryevna **ANDREYEVA** 1994 Nizhniy Novgorod Russian	Kanavinskiy District Court of Nizhniy Novgorod 07/12/1995 Alimony equal to 1/3 of the income in respect of children + additional maintenance equal to RUR 60,500/month between 31/01/1995 and 21/02/1996 in respect of the first applicant	Unknown, the case file was destroyed due to the expiry of the statutory time-limit for its storage Duplicates issued: 02/04/2002 Initiated: 07/07/2004	Unlawful omission recognised: Priokskiy District Court of Nizhniy Novgorod 06/07/2006 25/04/2008 03/11/2010 Compensation proceedings: Sormovskiy District Court of Nizhniy Novgorod 30/09/2010 RUB 26,164.20 Nizhniy Novgorod Regional Court 17/11/2011 Dismissed	Article 6 – manifestly ill-founded, the State authorities provided requisite assistance to the applicant in the enforcement of the judgment in her favour, the latter was fully enforced.

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7.	55474/12	Farida Radikovna **BIKAYEVA** 1963 Perm Russian	Industrialniy District Court of Perm 30/03/2009 RUB 2,706,018 30/07/2010 RUB 1,283,120 05/08/2011 RUB 1,014,391.43	Interim measure 05/03/2009 Main enforcement proceedings 27/05/2009 22/11/2010 09/11/2011	Unlawful omission recognised: Perm District Court of the Perm Region 03/02/2011 07/06/2011 17/10/2011 Compensation proceedings: Industrialnyy District Court of Perm 11/04/2012 RUB 100,200	Article 6 – manifestly ill-founded, the State authorities provided requisite assistance to the applicant in the enforcement of the judgment in her favour, impossibility of full enforcement cannot be attributed to them Article 1 of Protocol No. 1 – manifestly ill-founded, impossibility of further enforcement cannot be attributed to the actions of the authorities. The State cannot be held responsible for the lack of funds on the side of the debtor. Article 13 – no need to examine separately.
8.	59958/13	Maksim Grigoryevich **GORLOV** 1939 Moscow Russian Self-Representation	Basmannyy District Court of Moscow 22/03/2006 RUB 244,907	Initiated: 17/04/2006	Unlawful omission recognised: Basmannyy District Court of Moscow 10/03/2009 20/04/2009 29/06/2009 Compensation proceedings: Supreme Court 19/06/2013 RUB 5,000	Article 6 – manifestly ill-founded, the State authorities provided requisite assistance to the applicant in the enforcement of the judgment in his favour, impossibility of full enforcement cannot be attributed to them Article 1 of Protocol No. 1 – manifestly ill-founded, impossibility of further enforcement cannot be attributed to the actions of the authorities. The State cannot be held responsible for the lack of funds on the side of the debtor.

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9.	18862/14	Ivan Iosifovich **TYAGLO** 1943 Yessentuki, Stavropol Region Russian Viktor Vladimirovich POLYAKOV	Yessentuki Town Court 23/10/2008 RUB 1,813,100 Indexation of the award: Yessentuki Town Court 18/06/2009 RUB 136,060 Yessentuki Town Court 22/03/2010 RUB 135,419.76 Yessentuki Town Court 15/02/2011 RUB 132,766.74 Yessentuki Town Court 26/03/2012 RUB 159,075 Yessentuki Town Court 24/04/2013	Initiated 02/12/2008	Unlawful omission recognised: Stavropol Regional Court 19/01/2010 Compensation proceedings: Supreme Court 07/04/2014 Declined No causal link	Article 6 – manifestly ill-founded, the State authorities provided requisite assistance to the applicant in the enforcement of the judgment in his favour, enforcement is still possible. Anyway, impossibility of full enforcement cannot be attributed to them.

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			RUB 156,897.22			
10.	55310/14	Yuriy Iosifovich **MIKHAYLOVSKIY** 1974 Moscow Russian Self-Representation	Izmaylovskiy District Court of Moscow 05/11/2008 RUB 1,495,103.30 Indexation of the award: Izmaylovskiy District Court of Moscow 09/06/2011 RUB 343,020.70	Initiated: 19/02/2009	Unlawful omission recognised: Izmaylovskiy District Court of Moscow 24/12/2009 Moscow City Court 08/11/2009 Compensation proceedings: Supreme Court 02/04/2014 RUB 3,000	Article 6 – manifestly ill-founded, the State authorities provided requisite assistance to the applicant in the enforcement of the judgment in his favour, impossibility of full enforcement cannot be attributed to them.
11.	18827/17	Elena Mikhaylovna **KUZNETSOVA** 1966 Tver Russian Artem Yuryevich BRANNTSKIY	Sovetskiy District Court of Vladivostok 28/02/2007 RUB 749,408	Initiated: 01/06/2007	Unlawful omission recognised: Sovetskiy District Court of Vladivostok 28/04/2012 Compensation proceedings: Primorskiy Regional Court 08/02/2016 RUB 50,000	Article 6 – manifestly ill-founded, the State authorities provided requisite assistance to the applicant in the enforcement of the judgment in her favour, impossibility of full enforcement cannot be attributed to them Article 1 of Protocol No. 1 – manifestly ill-founded, impossibility of further enforcement cannot be attributed to the actions of the authorities. The State cannot be held responsible for the lack of funds on the side of the debtor. Article 13 – no need to examine separately.

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					non-pecuniary damage Leninskiy Distrivt Court of Vladivostok RUB 107,167,88 legal costs	
12.	26352/17	Valeriy Mikhaylovich **TOKUNOV** 1954 Anapa Russian Susanna Ilyinichna ARUTYUNYAN	Interim measure: Anapa Town Court 14/01/2011 RUB 3,025,919 Main proceedings: Krasnodar Regional Court 05/11/2013 RUB 2,413,012.40	Initiated: 07/03/2013	Compensation awarded: Supreme Court 21/09/2016 RUB 1,300,000 of pecuniary damage and RUB 100,000 of non-pecuniary damage	Article 6 – manifestly ill-founded, the State authorities provided requisite assistance to the applicant in the enforcement of the judgment in his favour, enforcement is still possible. Anyway, impossibility of full enforcement cannot be attributed to them.
13.	42552/17	Aleksandr Aleksandrovich **BARSUKOV** 06/06/1978 Kursk Russian Andrey	Novoanninskiy District Court of Volgograd 28/01/2003 RUB 169,530 Indexation of the award: Novoanninskiy District Court of Volgograd	Initiated: 03/04/2003	Supreme Court 15/02/2017 Declined No direct causal link	Article 6 – manifestly ill-founded, the State authorities provided requisite assistance to the applicant in the enforcement of the judgment in his favour, impossibility of full enforcement cannot be attributed to them Article 1 of Protocol No. 1 – manifestly ill-founded, impossibility of further enforcement cannot be attributed to the actions of the authorities. The State cannot be held responsible for the lack of funds on the side of the debtor. Article 13 – no need to examine separately.

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		Nikolayevich GOLOVACHEV	10/07/2008 RUB 80,018,18 Novoanninskiy District Court of Volgograd 11/02/2011 RUB 59,165,33 Novoanninskiy District Court of Volgograd 30/04/2014 RUB 26,288,12			
14.	19709/18	Yelena Nikolayevna **MUSKATINA** 1978 Moscow Russian Self-Representation	Khoroshevskiy Intermunicipal People's Court of the North-Western Administrative Circuit of Moscow 10/04/1996 Monthly alimony payments equal to 1/4 of the income in respect of a child (1995 y.o.b.) Penalty for failure to pay alimony payments Savelovskiy District Court of Moscow	Initiated: 27/08/2013	Unlawful omission recognised Savelovskiy District Court of Moscow 18/08/2016 Compensation proceedings: Supreme Court 09/02/2018 Declined No causal link	Article 6 – manifestly ill-founded, the State authorities provided requisite assistance to the applicant in the enforcement of the judgment in her favour, enforcement is still possible. Anyway, impossibility of full enforcement cannot be attributed to them.

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			22/04/2015 RUB 8,643,371 (substitution of the applicant in the domestic proceedings, the sum was awarded to the applicant's son who by that time was an adult)			
15.	29409/18	Sergey Petrovich **FILIPPOV** 1958 Mikhaylovka, Volgograd Region Russian Anton Valeryevich GAVRILOV	Mikhaylovskiy District Court of the Volgograd Region 13/12/2010 RUB 1,230,957	Interim measure: 16/12/2010 Main proceedings: 07/04/2011	Unlawful omission recognised: Mikhaylovskiy District Court of the Volgograd Region 25/12/2015 Compensation proceedings: Supreme Court 30/01/2018 Declined No causal link	Article 6 – manifestly ill-founded, the State authorities provided requisite assistance to the applicant in the enforcement of the judgment in his favour, impossibility of full enforcement cannot be attributed to them Article 1 of Protocol No. 1 – manifestly ill-founded, impossibility of further enforcement cannot be attributed to the actions of the authorities. The State cannot be held responsible for the lack of funds on the side of the debtor.