

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

THIRD SECTION

CASE OF PALIY v. RUSSIA

(Application no. 42267/15)

JUDGMENT
(Revision)

STRASBOURG

17 May 2022

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



In the case of Paliy v. Russia (request for revision of the judgment of 14 December 2021),

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

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

Having deliberated in private on 26 April 2022,

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

PROCEDURE

1. The case originated in an application (no. 42267/15) 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 a Russian national, Mr Ivan Ivanovich Paliy ("the applicant"), on 5 August 2015.

2. In a judgment delivered on 14 December 2021, the Court held that there had been a violation of Article 6 of the Convention and Article 1 of Protocol No. 1 to the Convention on account of the non-enforcement of the final judgment in the applicant's favour. The Court also decided to award the applicant 7,020 euros (EUR) for pecuniary damage and EUR 2,000 for non-pecuniary damage, and dismissed the remainder of the claims for just satisfaction.

3. By a letter of 2 December 2021 the applicant's representative informed the Court that the applicant had died on 12 July 2021. Accordingly, she requested that Ms Olga Dmitriyevna Paliy, the applicant's widow and heir, be admitted as his legal successor. The letter was accompanied by a death certificate and a certificate on heirship.

4. On 25 January 2022 the Court examined that letter, decided to consider it as an implicit request for revision of the judgment and to communicate it to the Government for comments. In a letter of 10 March 2022 the Government informed the Court that they did not object to admitting the applicant's heir as his legal successor.

THE LAW

THE REQUEST FOR REVISION

5. The Court notes from the documents submitted that Ms Olga Dmitriyevna Paliy is the applicant's heir. Therefore, it considers that she has standing to receive the sums awarded in the judgment in her deceased husband's favour.

6. Referring to its well-established case-law (see, among many other authorities, *Nosov and Others v. Russia* (revision), nos. 9117/04 and 10441/04, 15 January 2015; *Dzhabrailovy v. Russia* (revision), no. 68860/10, 4 February 2016; *Zherdev v. Ukraine* (revision), no. 34015/07, 25 January 2018; and *Tkachenko v. Russia* (revision), no. 28046/05, 10 November 2020), the Court considers that the judgment of 14 December 2021 should be revised pursuant to Rule 80 of the Rules of Court, the relevant parts of which provide:

> "A party may, in the event of the discovery of a fact which might by its nature have a decisive influence and which, when a judgment was delivered, was unknown to the Court and could not reasonably have been known to that party, request the Court ... to revise that judgment.
>
> ..."

7. It accordingly decides to award Ms Olga Dmitriyevna Paliy the amounts it previously awarded to the deceased applicant, namely EUR 7,020 for pecuniary damage and EUR 2,000 for non-pecuniary damage.

8. The Court considers it appropriate that the default interest rate 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 revise its judgment of 14 December 2021;

and accordingly

2. *Holds*
   (a) that the respondent State is to pay Ms Olga Dmitriyevna Paliy, the heir of Mr Ivan Ivanovich Paliy, within three months, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
      (i) EUR 7,020 (seven thousand twenty euros), plus any tax that may be chargeable, in respect of pecuniary damage;
      (ii) EUR 2,000 (two thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
   (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.

Done in English, and notified in writing on 17 May 2022, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova Deputy Registrar	María Elósegui President