

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

FIRST SECTION

DECISION

AS TO THE ADMISSIBILITY OF

Application no. 9042/07
Irina Vladimirovna KLIMOVA and Others
against Russia

The European Court of Human Rights (First Section), sitting on 31 May 2011 as a Committee composed of:
Peer Lorenzen, *President,*
Elisabeth Steiner,
Khanlar Hajiyev, *judges,*
and André Wampach, *Deputy Section Registrar,*
Having regard to the above application lodged on 2 December 2003,
Having regard to the comments submitted by the parties,
Having deliberated, decides as follows:

THE FACTS

The applicants are Russian nationals whose names and dates of birth are tabulated below. They were represented before the Court by Mr D.Y. Kozyrev, a lawyer practising in the Pskov Region.

The Russian Government ("the Government") were represented first by Ms V. Milinchuk, then by Mr A. Savenkov and, finally, 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.

The applicants were teachers at municipal school no. 10 (*лицей № 10*) in Velikiye Luki, Pskov Region. By virtue of a provision in the national law they were entitled to a monthly allowance for purchase of books and magazines (*компенсация за книгоиздательскую продукцию и периодические издания*) which had not been paid to them for a few years.

The applicants applied to a court seeking recovery of the unpaid allowance.

On 28 March 2003 the Justice of Peace of Court Circuit no. 34 of Velikiye Luki in the Pskov Region granted the applicants' claim for the unpaid allowance and held that the Education Directorate of the Velikiye Luki Town Council should reimburse them various amounts.

On 3 June 2003 the Velikiye Luki Town Court of the Pskov Region upheld that judgment on appeal.

Following an unspecified period during which the judgment remained unenforced, the applicants allegedly applied to a court for index-linking of the awards due to the inflation but had their claims rejected. They did not however submit any documents to support this claim, nor did they indicate the date of the judicial decision or the court adopting it.

The Government submitted copies of payroll records according to which the awards had been paid to the applicants in April and May 2004.

On 10 December 2007 the Government informed the Registry that Ms G. Tolstobrova and Mr B. Gromakov had died on unspecified dates. Hereafter the correspondence has been forwarded to their representative. To date, the Court has not received any information from the applicants' heirs wishing to pursue the proceedings in their stead.

On 29 May 2008 the Court received the letters from twenty-eight applicants stating that they no longer had interest in pursuing the proceedings due to the timely enforcement of the judgment in their favour. The applicants who sent the letters were Ms V. Petrova, Ms N. Bolozdynya, Mr V. Titov, Ms G. Ilyina, Mr V. Gorelyshayev, Ms T. Grabazdina, Ms L. Lobanova, Ms M. Romanenkova, Ms A. Zaytseva, Ms N. Shvedova, Ms V. Abakanova, Ms N. Rybina, Ms O. Davydik, Ms O. Fedoseyeva, Mr D. Belyukov, Ms S. Zholudeva, Ms M. Nikitina, Ms Y. Logvinova, Ms M. Verbina, Ms I. Klyuchnikova, Ms S. Bogdanova, Mr N. Revidovich, Ms T. Rassolova, Ms G. Baskakova, Ms G. Bogdanova, Mr V. Nilov, Ms Y. Yermolayeva and Ms T. Shafranova.

COMPLAINTS

The applicants complained under Article 6 of the Convention and 1 of Protocol No. 1 of delays in the enforcement of the judgment of 28 March 2003, as upheld on 3 June 2003.

They also complained under Article 1 of Protocol No. 1 that the courts had refused them compensation for the depreciation of the awards due to them but not paid in good time.

THE LAW

I. PROCEEDINGS CONCERNING THE DECEASED APPLICANTS AND THE APPLICANTS WHO LOST INTEREST

In view of the circumstances detailed above and in respect of the applicants who had been declared deceased or expressed loss of interest, the Court considers that they or their heirs may be regarded as no longer wishing to pursue the application, within the meaning of Article 37 § 1 (a) of the Convention. Furthermore, in accordance with Article 37 § 1 *in fine*, it finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of the case.

In view of the above, it is appropriate to strike the case in respect of these applicants out of the list.

II. ALLEGED VIOLATION OF ARTICLE 6 § 1 AND ARTICLE 1 OF PROTOCOL NO. 1 OF THE CONVENTION ON ACCOUNT OF NON-ENFORCEMENT IN RESPECT OF OTHER APPLICANTS

The other applicants maintained their complaint that the continuing failure to enforce the judgment of 28 March 2003 in their favour had breached their rights guaranteed by Article 6 § 1 and Article 1 of Protocol No. 1 of the Convention. The relevant provisions 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 ..."

"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.

Article 1 of Protocol No. 1

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 recalls that, according to the documents presented by the Government and not contested by the applicants, the judgment of 28 March 2003, as upheld on 3 June 2003, was enforced in April and May 2004, that is within ten and eleven months. The Court considers the period of the enforcement to be reasonable and well within the standards set in its established case-law (see *Presnyakov v. Russia* (dec.), no. 41145/02, 10 November 2005). Therefore, this complaint should be rejected as being manifestly ill-founded in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

III. OTHER COMPAINTS

The applicants also complained under Article 1 of Protocol No. 1 of the Convention that the courts had refused them compensation for the depreciation of the awards due to them but not paid in good time.

However, there is nothing in the materials of the case to suggest that the applicants sought such compensation at the domestic level. This complaint is therefore unsubstantiated. Accordingly, it should also be rejected as being manifestly ill-founded in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court unanimously

Decides to strike the application in respect of thirty applicants out of its list of cases;

Declares the application inadmissible in respect of the remaining applicants.

André Wampach
Deputy Registrar

Peer Lorenzen
President

LIST OF APPLICANTS

App.no	Last Name	First Name	Birth date
1.	KLIMOVA	Irina Vladimirovna	10/10/1957
2.	ABAKANOVA	Valentina Vasilyevna	26/03/1950
3.	BASKAKOVA	Galina Ivanovna	16/10/1937
4.	BELOUSOVA	Yelena Yevgenyevna	21/04/1958
5.	BELYUKOV	Dmitriy Anatolyevich	-
6.	BOGDANOVA	Svetlana Alekseyevna	25/04/1965
7.	BOGDANOVA	Galina Ivanovna	1955
8.	BOLOZDYNYA	Nina Borisovna	15/04/1949
9.	DAVYDIK	Olga Aleksandrovna	17/11/1958
10.	DZHALAGANIYA	Svetlana Yuryevna	12/03/1970
11.	FEDOSEYEVA	Olga Vasilyevna	18/04/1959
12.	GAVRILOVA	Dina Ivanovna	10/09/1970
13.	GONCHAROVA	Irina Viktorovna	12/03/1970
14.	GORELYSHEV	Vladimir Ivanovich	17/09/1956
15.	GORELYSHEVA	Alla Alekseyevna	19/09/1965
16.	GRABAZDINA	Tatyana Ivanovna	02/11/1966
17.	GRISHINA	Lidiya Petrovna	14/03/1954
18.	GROMAKOV	Boris Fedorovich	17/01/1940
19.	GROMAKOVA	Rimma Fedorovna	20/01/1944
20.	ILYINA	Galina Nikolayevna	20/01/1970
21.	KAZAKOVA	Olga Vladimirovna	10/03/1974
22.	KLYUCHNIKOVA	Irina Pavlovna	28/11/1964
23.	KREMKOV	Igor Olegovich	29/12/1961
24.	KREMKOVA	Yelena Vitalyevna	08/02/1964
25.	KUZMINA	Irina Mikhaylovna	23/02/1965
26.	LOBANOVA	Larisa Petrovna	13/05/1966
27.	LOGVINOVA	Yelena Rufovna	30/10/1961
28.	LYUBAVINA	Natalya Mikhaylovna	25/05/1970
29.	MARTISOVA	Tatyana Vasilyevna	29/02/1956
30.	MURZICH	Anna Ivanovna	26/01/1960
31.	NIKISHINA	Marina Valentinovna	14/12/1963
32.	NILOV	Valeriy Vasilyevich	18/05/1961
33.	OSIPOVA	Svetlana Yuryevna	15/06/1968
34.	OSPELNIKOVA	Nina Pavlovna	13/01/1941
35.	PANFILOVA	Olga Romanovna	03/08/1973
36.	PETROVA	Vera Vladimirovna	28/12/1959
37.	PETROVA	Valentina Ivanovna	08/07/1948
38.	RASSOLOVA	Tatyana Borisovna	18/02/1963
39.	REPYAKH	Inna Yuryevna	07/10/1968
40.	REVIDOVICH	Nikolay Andreyevich	11/02/1954

41.	ROMANENKOVA	Marina Yuryevna	15/02/1970
42.	RYBINA	Nadezhda Borisovna	01/10/1958
43.	SALTYKOVA	Natalya Vladimirovna	13/09/1971
44.	SHAFRANOVA	Tatyana Dmitriyevna	03/03/1953
45.	SHULAYEV	Aleksandr Anatolyevich	17/11/1956
46.	SHVEDOVA	Nadezhda Sergeyevna	12/03/1938
47.	SOLDATENKO	Larisa Viktorovna	13/06/1970
48.	SOLODKOVA	Natalya Nikolayevna	21/03/1971
49.	STEPANOVA	Natalya Nikolayevna	20/06/1976
50.	TITOV	Vyacheslav Nikolayevich	10/01/1958
51.	TOLSTOBROVA	Galina Nikolayevna	29/11/1938
52.	TSATSKO	Natalya Ivanovna	23/03/1961
53.	VERBINA	Maria Pavlovna	25/11/1935
54.	VYRODOVA	Lyubov Pavlovna	04/10/1934
55.	YAKOVLEVA	Natalya Semenovna	01/04/1969
56.	YERMOLAYEVA	Yelena Mikhaylovna	03/11/1960
57.	YEROSHENKOVA	Marina Nikolayevna	20/12/1949
58.	ZAYTSEVA	Alla Leopoldovna	05/04/1949
59.	ZHOLUDEVA	Svetlana Alekseyevna	20/06/1973