

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

THIRD SECTION

DECISION

Application no. 44844/07
Kamil Zinnyatovich NASYROV against Russia
and 5 other applications
(see appended table)

The European Court of Human Rights (Third Section), sitting on 21 September 2017 as a Committee composed of:

Luis López Guerra, *President,*
Dmitry Dedov,
Jolien Schukking, *judges,*

and Liv Tigerstedt, *Acting 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:

FACTS AND PROCEDURE

The list of applicants and the relevant details of the applications are set out in the appended table.

The applicants' complaints under Articles 6 § 1 and 13 of the Convention and Article 1 of the Protocol No. 1 concerning the non-enforcement or delayed enforcement of domestic decisions and the lack of any effective remedy in domestic law were communicated to the Russian Government ("the Government").

THE LAW

A. Joinder of the applications

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

B. Complaints under Articles 6 § 1 and 13 of the Convention and Article 1 of the Protocol No. 1

Having examined all the material before it, the Court considers that for the reasons stated below, the applications are inadmissible in view of the applicants' failure to comply with the six-month requirement.

In particular, the Court reiterates that non-enforcement of a judgment is a continuing situation (see, among many others, *Trunov v. Russia*, no. 9769/04, § 15, 6 March 2008). However, in a number of cases the Court has rejected non-enforcement complaints in accordance with Article 35 § 1 of the Convention if they were introduced more than six months after the date when the judgment was enforced or ceased to be binding and enforceable (see, in the context of the quashing of a judgment by way of supervisory-review proceedings, *Kravchenko v. Russia*, no. 34615/02, § 34, 2 April 2009, and *Nikolay Zaytsev v. Russia*, no. 3447/06, § 26, 18 February 2010) or when an applicant knew, or ought to have known, that the enforcement of the judgments in her favour was no longer possible (see, for instance, *Babich and Azhogin v. Russia* (dec.), nos. 9457/09 and 9531/09, §§ 47-54 and 57-58, 15 October 2013; or *Bichenok v. Russia* (dec.), no. 13731/08, 31 March 2015, when the applicant learned of the liquidation of the company and absence of any legal venues to seek further enforcement more than six months before her application to the Court).

Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility of these applications.

The applicants did not argue that they had any available legal avenue at their disposal which could have brought them closer to their goal, that is, either the enforcement of the judgments in their favour, or, alternatively, engaging the authorities' responsibility for the failure to properly assist them in the enforcement of the judicial awards in their favour. In these circumstances, the calculation of the six-month period runs from the date of the enforcement of the judgment or the date when the applicants learned, or ought to have learned, that the judgments could no longer be enforced (see *Bichenok,* cited above, § 25; and, *mutatis mutandis*, *Norkin v. Russia* (dec.), no. 21056/11, § 20, 5 February 2013). The Court notes that as follows from the parties' submissions the judgments in the applicants' favour had been duly enforced or the applicants had become aware that there had been no

realistic hope of a favourable outcome or progress for the enforcement proceedings at the domestic level more than six month before they lodged their application with the Court (for details see the appended table below).

In view of the above, the Court finds that these applications were submitted too late and that they therefore must be rejected in accordance with Article 35 §§ 1 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 12 October 2017.

Liv Tigerstedt Acting Deputy Registrar	Luis López Guerra President

APPENDIX

No.	Application no. Date of introduction	Applicant name Date of birth	Relevant domestic decision	Start date of non-enforcement period	End date of non-enforcement period Length of enforcement proceedings	Domestic order
1.	44844/07 17/09/2007	**Kamil Zinnyatovich Nasyrov** 18/01/1957	Leninskiy District Court of Vladivostok, 14/07/1997	24/07/1997	12/05/2006 (when the writ of execution was returned to the applicant) More than 8 years and 9 months	to free from arrest frozen fish in the amount of 160 tons
2.	52705/08 26/09/2008	**Zhorzh Vladimirovich Kuntsevich** 21/01/1938	Sovetskiy District Court of Kazan, 17/05/2007	27/05/2007	05/06/2007 10 day(s)	the Military Commissariat ... to index-link the sum of [the applicant's] monetary compensation
3.	71485/11 08/11/2011	**Aleksandr Vladimirovich Shepelev** 25/06/1961	Nizhnevartovskiy District Court of Khanty-Mansiysk Region, 20/12/2006	15/02/2007	30/08/2007 6 month(s) and 16 day(s)	"... return the excavator "KATO" [to the applicant] ..."
4.	39983/13 20/05/2013	**Vladimir Viktorovich Kravtsov** 17/02/1964	Moscow Garrison Military Court, 18/11/2009	08/12/2009	21/08/2012 2 year(s) and 8 month(s) and 14 day(s)	"... The Ministry of Urgent Situations to provide the applicant with housing according to the standards established by law in Moscow in priority order and then dismiss from service..."
5.	39987/13 16/05/2013	**Petr Georgiyevich Mikhalitsyn** 15/02/1977	Zamoskvoretskiy District Court of Moscow, 26/12/2011	09/01/2012	12/04/2012 3 month(s) and 4 day(s)	"... the State Pension Fund to cancel amendments in the register of the insured persons concerning the applicant, to restore previous information about the applicant, to cancel information on personal account about the transfer of money to private pension fund, to transfer to the managing company applicant's pension money, to recalculate and to inform the applicant about the amount of money transferred ..."
6.	37940/14 24/11/2011 (3 applicants)	**Svetlana Vasilyevna Khomyakova** 05/03/1953 **Oksana Guennadyevna Khomyakova** 03/01/1975 **Daniil Guennadyevich Khomyakov** 31/10/1984	Vakhitovskiy District Court of Kazan, 19/12/2003	26/01/2004	01/10/2010 6 year(s) and 8 month(s) and 6 day(s)	the Administration of Kazan to provide the applicants with housing