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

THIRD SECTION

DECISION

Application no. 42420/19
Yelena Viktorovna NIKOLAYEVA and Yuriy Anatolyevich NIKOLAYEV
against Russia
(see appended table)

The European Court of Human Rights (Third Section), sitting on 5 March 2026 as a Committee composed of:

Úna Ní Raifeartaigh*, President*,
Mateja Đurović,
Vasilka Sancin*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 23 July 2019,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants were represented by Mr I. Nikolayev, a lawyer practising in Valday, Novgorov Region.

The applicants' complaints under Article 8 of the Convention concerning the unlawful search were communicated to the Russian Government ("the Government"). Complaints based on the same facts were also communicated under other provisions of the Convention.

THE LAW

A. Complaints under Article 8 of the Convention (unlawful search)

In the present application, having examined all the material before it, the Court considers that for the reasons stated below, the applicants cannot claim to be victims of a violation of their rights under Article 8 within the meaning of Article 34 of the Convention.

The Court reiterates in that respect that the question whether an applicant can claim to be the victim of the violation alleged is relevant at all stages of the proceedings under the Convention. A decision or measure favourable to the applicant is not, in principle, sufficient to deprive him or her of "victim" status for the purposes of Article 34 of the Convention unless the national authorities have acknowledged, either expressly or in substance, and then afforded redress for the breach of the Convention (see, among other authorities, *Scordino v. Italy (no. 1)* [GC], no. 36813/97, §§ 179-80, ECHR 2006-V).

The Court firstly notes that in the present case the domestic courts unequivocally acknowledged that the search of the applicants' house conducted by the police had been unlawful.

As to the redress afforded to the applicants in respect of the breach of their Convention rights, the Court notes that the applicants were successful in obtaining a monetary compensation and considers that, in the circumstances of the case, it afforded sufficient redress to the applicants. In this connection; the Court refers to its practice and notes that in certain cases, where it has itself found a violation of Article 8 in respect of the right to respect for the inviolability of the home, it has held that the finding of a violation constitutes sufficient just satisfaction for the breach (see, for example, *Niemietz v. Germany*, 16 December 1992, §§ 41-43, Series A no. 251-B; *Buck v. Germany*, no. 41604/98, §§ 60-63, ECHR 2005-IV; *Gillan and Quinton v. the United Kingdom*, no. 4158/05, §§ 92-94, ECHR 2010 (extracts); and *Camenzind v. Switzerland*, 16 December 1997, §§ 59-61, *Reports of Judgments and Decisions* 1997-VIII). The practice in other similar cases has been to award a modest sum in compensation for non-pecuniary damage (see, for example, *Zborowski v. Poland (no. 2)*, no. 45133/06, §§ 46-48, 15 January 2008, and *Sallinen and Others v. Finland*, no. 50882/99, §§ 112-14, 27 September 2005).

It follows that they can no longer claim to be the victims of a violation of their rights and that their application in this part must be rejected pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

B. Remaining complaints

The applicants also raised a complaint under Article 13 in conjunction with Article 8 of the Convention.

The complaints under Article 8 have been declared inadmissible and cannot be regarded as "arguable" for the purposes of Article 13. Therefore, the applicants' complaints under Article 13 related are manifestly ill-founded and must be rejected pursuant to Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 26 March 2026.

Viktoriya Maradudina Acting Deputy Registrar	Úna Ní Raifeartaigh President

APPENDIX

Application raising complaints under Article 8 of the Convention (unlawful search)

Application no. Date of introduction	Applicant's name Year of birth	Type of search Premises	Date of the search authorisation Name of issuing authority	Date of the search Means of exhaustion	Specific defects	Other inadmissible complaints
42420/19 23/07/2019	**Yelena Viktorovna NIKOLAYEVA** 1964 **Yuriy Anatolyevich NIKOLAYEV** 1965	A house	20/06/2016, police investigator	20/06/2016; (1) complaint under Article 125 of the Criminal Code of Criminal Procedure, final decision taken by the Novgorod Regional Court on 15/08/20218 - the investigator's decision authorising the search was declared unlawful; (2) civil action for damages lodged by the applicants was granted in part, the first applicant was awarded RUB 20,000 and the second applicant was awarded RUB 25,000. The final decision on the matter was taken by the Supreme Court of the Russian Federation on 21/06/2019.	no adequate and sufficient safeguards against abuse: no judicial review of the search/search authorisation	Art. 13 - lack of any effective remedy in domestic law