

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

FIFTH SECTION

DECISION

Application no. 52932/07
Yuriy Nikolayevich RUDYK against Ukraine
and 11 other applications
(see list appended)

The European Court of Human Rights (Fifth Section), sitting on 9 April 2013 as a Committee composed of:

Angelika Nußberger, *President,*
Ganna Yudkivska,
André Potocki, *judges,*

and Stephen Phillips, Deputy Section Registrar,

Having regard to the above applications lodged on the various dates stated in the annexed table,

Having regard to the decision to apply the pilot-judgment procedure taken in the case of *Yuriy Nikolayevich Ivanov v. Ukraine* (no. 40450/04, ECHR 2009-... (extracts)),

Having deliberated, decides as follows:

THE FACTS

The applicants are 12 Ukrainian nationals whose names and dates of birth are tabulated below. All the applicants reside in Ukraine.

The Ukrainian Government ("the Government") were represented by their Agent, Mr Nazar Kulchytskyy, of the Ministry of Justice.

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

On the dates set out in the annexed table below the national courts held for the applicants and ordered the defendants under these judgments

(debtors) to pay various amounts to the applicants. These judgments became binding but the authorities delayed their enforcement.

The applications were communicated to the Ukrainian Government with the reference to the pilot judgment in the case of *Yuriy Nikolayevich Ivanov* cited above. By letters sent on different dates the respondent Government informed the Court that the applicants did not suffer any significant disadvantage as a result of the non-enforcement of the final judgments, because in each case the amount at stake was very small. For some applications the Government additionally referred to other inadmissibility reasons. The Government requested the Court to declare the applications inadmissible.

The applicants disagreed.

COMPLAINTS

The applicants complained about the lengthy non-enforcement of the judgments in their favour.

THE LAW

The Court first considers that in accordance with Rule 42 § 1 of the Rules of Court, the applications should be joined, given their common legal background.

The Court further notes that in the present cases the delay of enforcement concerned the payment of relatively small awards (see table below) and the applicants did not submit any arguments or evidence to suggest that the delay in the payment of such awards had a significant impact on their personal lives. The Court has previously found a lack of "significant disadvantage" in the cases, where the amount in question was equal or inferior to roughly EUR 500 (see, for instance, *Gururyan v. Armenia* (dec.), no. 11456/05, 24 January 2012 - the case of salary arrears of AMD 102,889 - the equivalent in euro was not given in the decision itself, but it was equivalent to approximately EUR 200; *Ştefănescu v. Romania* (dec.), no. 11774/04, 12 April 2011 – failure to reimburse EUR 125). The Court finds therefore that in present cases the applicants did not suffer any significant disadvantage as a result of the non-enforcement of the final judgments.

The Court also notes that "the respect for human rights", as defined in the Convention and the Protocols thereto, does not require examination of the present complaints on the merits, as the problem of non-enforcement of final decisions has already been addressed in the Court's pilot judgment against Ukraine adopted in the case of *Yuriy Nikolaevich Ivanov v. Ukraine*

cited above and in a number of other cases examined against Ukraine, which are moreover currently examined under "the well-established case-law procedure".

The Court notes moreover that the applicants' cases were duly considered by domestic tribunals within the meaning of Article 35 § 3 (b) with the decisions favourable to the applicants.

In view of the foregoing, the Court concludes that the complaints should be rejected as inadmissible in accordance with Article 35 § 3 (b) of the Convention.

Having regard to its conclusion above the Court considers that it is not necessary to examine other arguments of the Government as to the inadmissibility of the applications concerned.

For these reasons, the Court unanimously

Decides to join the applications;

Declares the applications inadmissible.

Stephen Phillips Deputy Registrar	Angelika Nußberger President

APPENDIX

No.	Application no. and date of introduction	Applicant name date of birth	Final domestic decision details
1.	52932/07 14/09/2007	**Tamara Semenivna RUDYK** 01/01/1956	Desnyanskyy District Court of Chernigiv, 21/01/2004
2.	653/10 04/12/2009	**Oleg Pavlovich LEBEDEV** 23/09/1968	Leninskyy District Court of Kirovograd, 27/09/2007
3.	25356/10 23/04/2010	**Taisiya Fedorivna AISTOVA** 14/01/1950	Krasnyy Lyman Court, 24/11/2003
4.	25781/10 23/04/2010	**Zoya Ivanivna TYSHCHENKO** 24/05/1951	Krasnyy Lyman Court, 12/12/2003
5.	25833/10 23/04/2010	**Valentyna Oleksiyivna GRYNYOVA** 26/05/1955	Krasnyy Lyman Court, 12/12/2003
6.	26682/10 23/04/2010	**Ivan Vasylyovych TYSHCHENKO** 21/11/1976	Krasnyy Lyman Court, 12/12/2003
7.	26699/10 23/04/2010	**Nataliya Oleksiyivna BAYRACHNA** 15/02/1969	Krasnyy Lyman Court, 12/12/2003
8.	31061/10 17/05/2010	**Mykhaylo Volodymyrovych KARPYSHCHENKO** 19/12/1973	Kovpakivskyy District Court of Sumy, 04/11/2004
9.	33284/10 04/06/2010	**Galina Sergeyevna BEZBORODAYA** 04/12/1948	1) Kakhovka Court, 16/12/2008 2) Kakhovka Court, 11/08/2009 3) Kakhovka Court, 17/08/2009
10.	47537/10 27/07/2010	**Vasiliy Mitrofanovich TRUBIN** 05/10/1929	Donetsk Regional Court of Appeal, 24/07/2007
11.	53800/10 27/07/2010	**Vitaliy Vasylyovych KUTSEVYCH** 01/02/1949	Dnipropetrovsk Administrative Court of Appeal, 05/02/2009
12.	860/11 17/12/2010	**Petr Mikhaylovich KORZHIKOV** 12/07/1947	Desnyanskyy District Court of Chernigiv, 25/03/2009