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

THIRD SECTION

DECISION

Application no. 59020/09
Gyulali Kyamil ogly SHUKYUROV
against Russia

The European Court of Human Rights (Third Section), sitting on 28 November 2017 as a Committee composed of:

Branko Lubarda, *President,*
Pere Pastor Vilanova,
Georgios A. Serghides, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 21 October 2009,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Gyulali Kyamil ogly Shukyurov, is a Russian national, who was born in 1962 and lives in Krasnokamsk, Perm Region.

The Russian Government ("the Government") were represented initially by Mr G. Matyushkin , the Representative of the Russian Federation to the European Court of Human Rights, and then by his successor in that office, Mr M. Galperin.

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

On 25 September 2003 the Leninskiy District Court of Perm ordered the municipal unitary enterprise "Zapadno-Uralskaya Toplivnaya Kompaniya" (*Межрайонное МУП «Западно-уральская топливная компания»*) to pay the applicant the loan interest. By a final decision of 11 March 2004 the Perm Regional Court upheld that judgment.

The judgment of 25 September 2003 remained unenforced.

COMPLAINT

The applicant complained about the non-enforcement of the judicial decision in his favour and about the lack of an effective remedy in that respect.

THE LAW

A. Alleged violation of Article 6 of the Convention and Article 1 of Protocol No. 1 to the Convention on account of non-enforcement

The applicant complained about the non-enforcement of the decision in his favour dated 25 September 2003. He relied on Article 6 § 1 and Article 1 of Protocol No. 1 to the Convention which, in so far as relevant, read as follows:

Article 6

"In the determination of his civil rights and obligations ..., everyone is entitled to a fair ... hearing ... by [a] ... tribunal ..."

Article 1 of Protocol No. 1

"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 ..."

The Government submitted that the applicant had not made any steps to enforce the decision. They further maintained that the debts of the company in the present case were not attributable to the State.

The applicant submitted that he had not sent the writ of execution in respect of the decision of 25 September 2003 to the bailiffs' service.

In the circumstances of the present case, the Court does not consider necessary to address the question of the State's responsibility for the debts of the company (see *Liseytseva and Maslov v. Russia*, nos. 39483/05 and 40527/10, §§ 204-06, 9 October 2014) as the complaint is in any case inadmissible.

The Court observes that it is not disputed between the parties that the applicant did not submit to the bailiffs the writ of execution in respect of the judgment of 25 September 2003.

A successful litigant may be required to undertake certain procedural steps in order to recover the judgment debt in his favour (see *Shvedov v. Russia*, no. 69306/01, § 32, 20 October 2005). The Court found no violation of the applicants' rights guaranteed by the Convention in the

situation when the applicants had not forwarded the writ of execution to the competent authorities (*Gadzhikhanov and Saukov v. Russia*, nos. 10511/08 and 5866/09, 31 January 2012). The Court also declared inadmissible the case in which the applicant's uncooperative behavior (failure to communicate with the authorities) was an obstacle to timely enforcement of a domestic decision (*Belayev v. Russia* (dec.), no. 36020/02, 22 March 2011). Turning to the present case, it is not disputed between the parties that the applicant did not submit the writ of execution in respect of the above decision to the bailiffs' service.

Thus, the complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

B. Other complaints

The applicant also complained, *inter alia*, that he had no effective domestic remedy in respect of his non-enforcement complaint, and about non-enforcement of other decisions.

Having regard to all the material in its possession and in so far as these complaints fall within the Court's competence, it finds that they do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols. It follows that this part of the application must be rejected as manifestly ill-founded, pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 21 December 2017.

Fatoş Aracı
Deputy Registrar

Branko Lubarda
President