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

THIRD SECTION

DECISION

Application no. 48326/08
Yevgeniya Ivanovna SOKOLOVA and Maksim Vladimirovich SOKOLOV
against Russia

The European Court of Human Rights (Third Section), sitting on 23 February 2016 as a Committee composed of:

Helena Jäderblom, *President,*
Dmitry Dedov,
Branko Lubarda, *judges,*
and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 20 June 2008,

Having regard to the decision to apply the pilot-judgement procedure taken in the case of *Burdov v. Russia (no. 2)* (no. 33509/04, ECHR 2009),

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

Having deliberated, decides as follows:

THE FACTS AND PROCEDURE

The case originated in an application (no. 48326/08) against the Russian Federation lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by two Russian nationals, Ms Yevgeniya Ivanovna Sokolova ("the first applicant") and Mr Maksim Vladimirovich Sokolov ("the second applicant"), on 20 June 2008. They were represented before the Court by Mr S.L. Lebedev, a lawyer practising in Vologda.

The Russian Government ("the Government") were represented by Mr G. Matyushkin, Representative of the Russian Federation to the European Court of Human Rights.

The application was lodged with the Court before 15 January 2009, the date of the delivery of the pilot judgment *Burdov (no. 2)*, cited above.

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

On 2 May 2006 Mr Andrey Vladimirovich Sokolov, the first applicant's son and the second applicant's brother, was arrested on suspicion of murder. On 6 May 2006 he died, while still in detention.

On 30 January 2007 the duty guard of the remand center was found guilty of negligence that lead to the death of Mr Andrey Vladimirovich Sokolov.

On 21 November 2007 the Vologodskiy Town Court ordered the Ministry of Finance to pay the first applicant 150,000 Russian roubles (RUB)[1] as compensation for non-pecuniary damage in connection with the death of her son. The court also awarded the second applicant RUB[2] 100,000 as compensation for non-pecuniary damage and RUB[3] 8,332 for funeral costs. The judgement became final on 25 January 2008.

On 23 May 2008 and 19 September 2008 the awarded sums were paid to the applicants.

THE LAW

The applicants complained that the authorities' prolonged failure to comply with the judgement of 21 November 2007 violated their rights under the Convention. These complaints fall under Article 6 of the Convention and Article 1 Protocol No. 1 to the Convention. The Court will consider the complaint in the light of both provisions, which insofar as relevant, read as follows:

Article 6 § 1

"In the determination of his civil rights and obligations ..., everyone is entitled to a fair and public hearing within a reasonable time 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 Court reiterates at the outset that as from 4 May 2009, the date on which the pilot judgment in *Burdov (no. 2)*, cited above, became final, it adjourned the adversarial proceedings on all applications lodged with the Court in which the applicants complained of non-enforcement or delayed enforcement of domestic judgments ordering monetary payments by State

1. EUR 4,175
2. EUR 2,783
3. EUR 232

authorities pending the adoption of domestic remedial measures. However, such adjournment was without prejudice to the Court's power at any moment to declare inadmissible any such case (ibid., § 146).

The Court also notes that the present case was communicated to the respondent State on 20 January 2014 with a view to its settlement in line with the above-mentioned pilot judgment. The Government argued in response, however, that the complaint about non-enforcement of the judgment of 21 November 2007 was inadmissible because the judgment had been enforced within a reasonable time.

The applicants did not contest that the judgement was fully enforced on 19 September 2008. However, they maintained that the delay in its enforcement was excessive.

The Court reiterates that an unreasonably long delay in the enforcement of a binding judgment may breach the Convention (see *Burdov (no. 2)*, cited above). To decide if the delay was reasonable, the Court will look at how complex the enforcement proceedings were, how the applicant and the authorities behaved, and what the nature of the award was (see *Raylyan v. Russia*, no. 22000/03, § 31, 15 February 2007).

According to the Court's consistent position, a delay of less than one year in payment of a monetary judicial award is in principle compatible with the Convention (see *Gerasimov and Others v. Russia*, nos. 29920/05, et al., § 169, 1 July 2014, and *Belkin and Others v. Russia* (dec.), no. 14330/07, 5 February 2009).

The Court observes that in the instant case the judgement was enforced within eight months. In the circumstances of the case and in the light of the Court's case-law, the Court considers that this period did not fall short of the requirements of the Convention (see, for example, *Suvorov and Others v. Russia* (dec.), no. 38766/07, 23 June 2015, and *Belkin and Others*, cited above).

It follows that this complaint should be rejected as being manifestly ill-founded in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

The Court notes that the applicants raised other complaints with reference, in particular, to Articles 5 and 6 of the Convention. However, in the light of all the material in its possession, and in so far as the matters complained of are within its competence, the Court 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 is manifestly ill-founded and must be rejected in accordance with 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 17 March 2016.

Marialena Tsirli
Deputy Registrar

Helena Jäderblom
President