



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

FIRST SECTION

DECISION

Application no. 16200/07
Rimma Nuriyevna SULTANOVA against Russia
and 11 other applications
(see list appended)

The European Court of Human Rights (First Section), sitting on 15 April 2014 as a Committee composed of:

Khanlar Hajiyeu, *President*,

Erik Møse,

Dmitry Dedov, *judges*,

and André Wampach, *Deputy Section Registrar*,

Having regard to the above applications,

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

Having regard to the declarations submitted by the respondent Government on various dates requesting the Court to strike the applications out of the list of cases and the applicants' replies to these declarations,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicants are all Russian nationals. Their details appear in the appendix.

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

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

The applicants have obtained court decisions awarding them monetary sums against the State, as detailed below. Those decisions in the applicants' favour became final and enforceable but the State delayed their enforcement.

All applications were lodged with the Court before 15 January 2009, the date of the delivery of the pilot judgment (*Burdov (no. 2)*, cited above).

1. Application no. 16200/07 was lodged with the Court on 24 January 2007 by Ms Rimma Nuriyevna Sultanova, who was born on 28 September 1950 and lives in Belebey.

The applicant had been convicted by a national court, but later the conviction was found to be unlawful by a higher court. In this respect on 24 May 2006 the applicant was awarded compensation of non-pecuniary damage in the amount of 15,000 Russian Rubles (RUB) by the Belebeyevskiy District Court of the Republic of Bashkortostan. The decision became final on 15 August 2006 and was enforced on 21 July 2011.

2. Application no. 18035/07 was lodged with the Court on 9 March 2007 by Ms Galina Gennadyevna Reshetnikova, who lives in Sosnovka. She is represented by Mr Valentin Vasilyevich Babintsev, a lawyer practicing in Kirov.

On 16 November 2006 the Pervomayskiy District Court of Kirov awarded the applicant RUB 60,000 in compensation for non-pecuniary damage and RUB 1,000 for unlawful actions of investigation bodies. The decision became final on 26 December 2006 and was enforced in part in June 2007. The awarded compensation totaling RUB 1,000 remains unpaid.

3. Application no. 22479/07 was lodged with the Court on 12 May 2007 by Ms Lyubov Borisovna Minakova, who was born on 26 July 1949 and lives in Voronezh. She is represented by Mr Ilya Vladimirovich Sivoldayev, a lawyer practicing in Voronezh.

On 30 November 2000 the Central District Court of Voronezh awarded the applicant RUB 3,653.01 in arrears related to child allowance. The decision became final on 11 December 2000 and was enforced on 16 April 2009.

4. Application no. 23138/07 was lodged with the Court on 13 April 2007 by Vasily Mikhaylovich Fedotov, who was born on 25 July 1948 and lives in Morshansk.

By decisions of 11 July 2006 and 22 August 2006 the Morshansk District Court awarded the applicant various social security allowances to be paid monthly and related arrears. The decisions became final on 24 July 2006 and 4 September 2006 respectively and were enforced on 16 August 2007 and 29 November 2007 respectively.

5. Application no. 25062/07 was lodged with the Court on 30 April 2007 by Nikolay Aleksandrovich Kovalenko, who was born on 6 October 1961 and lives in Pskov.

The applicant was a former participant of the Chernobyl nuclear disaster relief operation. By the decision of the Pskov Town Court of 31 January 2003 the applicant was awarded social allowances to be paid monthly. The decision became final on 11 February 2003 and the respective amounts were

transferred regularly to the applicant till 1 January 2006. From this date till 2 September 2009 the payments were delayed, which the applicant complained of in his application. By the decision of the Pskov Court of 28 September 2009 the applicant was awarded compensation for the delayed payments during the indicated period in 2006 – 2009 in the amount of RUB 20,000.

6. Application no. 25183/07 was lodged with the Court on 16 April 2007 by Vasily Stepanovich Tkachuk, who was born on 17 October 1940 and lives in Babynino. He is represented by Mr Anatoliy Aleksandrovich Zharov, a lawyer practicing in Bryansk.

On 2 June 2004 the Bryansk Regional Court ruled to return to the applicant 2,850 US Dollars which had been seized following a judgment of a national court. The decision was amended on 30 May 2007: the due amount was recalculated in Russian Rubles and was set in the amount of RUB 73,815. The decision became final on 2 June 2004 and was enforced on 17 September 2007.

7. Application no. 26317/07 was lodged with the Court on 14 March 2007 by Timofey Vasilyevich Buzulukin, who was born on 4 September 1937 and lives in Zernograd.

The applicant was a former participant of the Chernobyl nuclear disaster relief operation. He brought civil action claiming adjustment of various social allowances and related arrears.

By judgment dated 30 May 2006 of the Zernograd District Court of the Rostov Region his claim was granted. The judgment became final on 5 July 2006 and was enforced on 21 August 2007.

8. Application no. 27134/07 was lodged with the Court on 5 May 2007 by Nikolay Fedorovich Yerokhin, who was born on 22 January 1960 and lives in Tambov.

The applicant was a former participant of the Chernobyl nuclear disaster relief operation. He brought civil action claiming adjustment of various social allowances and related arrears.

By judgment dated 7 September 2006 the Oktyabrskiy District Court of Tambov granted his claim. The judgment became final on 19 September 2006 and was enforced on 3 December 2007.

9. Application no. 32913/07 was lodged with the Court on 18 June 2007 by Aleksandr Vladimirovich Bespechalov, who was born on 22 April 1979 and lives in Kostroma.

The applicant's father was a former participant of the Chernobyl nuclear disaster relief operation. He brought civil action claiming arrears relating to social allowances which he had been granted. After the death of the applicant's father the applicant pursued the domestic proceedings. On 31 October 2006 the Kostroma Regional Court awarded the applicant RUB 118,710.20 in arrears relating to the allowances. The decision became final on 24 January 2007 and was enforced on 5 October 2010.

10. Application no. 37889/07 was lodged with the Court on 5 July 2007 by Pavel Ivanovich Levashko, who was born on 22 August 1950 and lives in Donskoy.

The applicant was a former participant of the Chernobyl nuclear disaster relief operation. In this respect he was awarded various social allowances. On 22 June 2006 the Zernograd District Court of the Rostov Region ruled on indexation of the respective social allowances and awarded arrears relating to such allowances. The decision became final on 11 July 2006 and was enforced on 21 August 2007.

11. Application no. 38394/07 was lodged with the Court on 13 August 2007 by Viktor Ivanovich Paprotskiy, who was born on 9 March 1957 and lives in Chernyshevka.

The applicant was a former participant of the Chernobyl nuclear disaster relief operation. In this respect he was awarded various social allowances. On 30 June 2006 the Zernograd District Court of the Rostov Region ruled on indexation of the respective social allowances and awarded arrears relating to such allowances. The decision became final on 26 July 2006 and was enforced on 21 August 2007.

12. Application no. 39070/07 was lodged with the Court on 22 August 2007 by Yuriy Fedorovich Naymushin, who was born on 20 July 1951 and lives in Ekaterinburg.

The applicant was a former participant of the Chernobyl nuclear disaster relief operation. In this respect he was awarded various social allowances. On 21 August 2006 the Leninskiy District Court ruled on indexation of the respective social allowances and awarded arrears relating to such allowances. The decision became final on 5 September 2006 and was enforced on 3 December 2007.

COMPLAINTS

1. The applicants complained under Article 6 of the Convention and Article 1 of Protocol No. 1 about the delayed enforcement of the judgments in their favour.

2. The applicants also made accessory complaints under various Articles of the Convention.

THE LAW

1. Given that the applications at hand concern similar facts and complaints and raise identical issues under the Convention, the Court decides to join them.

2. In line with the *Burdov* (no. 2) pilot judgment, cited above, the Government informed the Court that the domestic court decisions in the applicants' favour had been enforced (save for payment to Ms Reshetnikova) and submitted unilateral declarations aimed at resolving the issue of delayed enforcement. By these declarations the Russian authorities acknowledged the lengthy enforcement of the judgments in the applicants' favour. They also declared that they were ready to pay the applicants the sums listed in the appendix in respect of non-pecuniary damage and the outstanding judgment debt of RUB 1,000 to Ms Reshetnikova. The remainder of the declarations read as follows:

"The authorities therefore invite the Court to strike [the applications] out of the list of cases. They suggest that the present declaration might be accepted by the Court as "any other reason" justifying the striking out of the case of the Court's list of cases, as referred to in Article 37 § 1 (c) of the Convention.

The [sums tabulated below], which [are] to cover any pecuniary and non-pecuniary damage as well as costs and expenses, will be free of any taxes that may be applicable. [They] will be payable within three months from the date of notification of the decision taken by the Court pursuant to Article 37 § 1 of the European Convention on Human Rights. In the event of failure to pay [these sums] within the said three-month period, the Government undertake to pay simple interest on [them] from expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

This payment will constitute the final resolution of the case."

The applicants either did not provide any comments on the unilateral declarations, or disagreed on various grounds, considering most often that the compensation amounts offered by the Government were insufficient. The Court recalls that Article 37 of the Convention provides that it may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to one of the conclusions specified, under (a), (b) or (c) of paragraph 1 of that Article. Article 37 § 1 (c) enables the Court in particular to strike a case out of its list if:

"... for any other reason established by the Court, it is no longer justified to continue the examination of the application."

Article 37 § 1 *in fine* states:

"However, the Court shall continue the examination of the application if respect for human rights as defined in the Convention and the protocols thereto so requires."

The Court recalls that in its pilot judgment cited above (point 7 of the operative part) it ordered the Russian Federation to:

"... grant [adequate and sufficient] redress, within one year from the date on which the judgment [became] final, to all victims of non-payment or unreasonably delayed payment by State authorities of a judgment debt in their favour who [had] lodged their applications with the Court before the delivery of the present judgment and whose applications [had been] communicated to the Government under Rule 54 § 2 (b) of the Rules of the Court."

In the same judgment the Court also held that (point 8 of the operative part):

“... pending the adoption of the above measures, the Court [would] adjourn, for one year from the date on which the judgment [became] final, the proceedings in all cases concerning solely the non-enforcement and/or delayed enforcement of domestic judgments ordering monetary payments by the State authorities, without prejudice to the Court’s power at any moment to declare inadmissible any such case or to strike it out of its list following a friendly settlement between the parties or the resolution of the matter by other means in accordance with Articles 37 or 39 of the Convention.”

Having examined the terms of the Government’s declarations, the Court understands them as intending to give the applicants redress in line with the pilot judgment (see *Burdov (no. 2)*, cited above, §§ 127 and 145 and point 7 of the operative part).

The Court is satisfied that the excessive length of the execution of the judgments in the applicants’ favour is explicitly acknowledged by the Government. The Court also notes that the domestic judgment debts (save for the payment to Ms Reshetnikova) were paid to the applicants and that the compensations offered by the Government for non-pecuniary damage are comparable with Court awards in similar cases, taking account, *inter alia*, of the specific delays in each particular case (see *Burdov (no. 2)*, cited above, §§ 99 and 154). As regards the outstanding amount to be paid to Ms Reshetnikova, the Court takes into account the willingness of the State to pay this sum together with the compensation for non-pecuniary damage sustained as a result of its delayed payment.

The Court therefore considers that it is no longer justified to continue the examination of the applications, nor is it required by respect for human rights as defined in the Convention and the protocols thereto. Accordingly, the applications should be struck out of the list.

As regards the question of implementation of the Government’s undertakings raised by certain applicants, the Committee of Ministers remains competent to supervise this matter in accordance with Article 46 of the Convention (see the Committee’s decisions of 14-15 September 2009 (CM/Del/Dec(2009)1065) and Interim Resolution CM/ResDH(2009)158 concerning the implementation of the *Burdov (no. 2)* judgment). In any event the Court’s present ruling is without prejudice to any decision it might take to restore, pursuant to Article 37 § 2 of the Convention, the present applications to the list of cases (see *E.G. and Others v. Poland (dec.)*, no. 50425/99, § 29, ECHR 2008 (extracts)).

3. As for the applicants’ accessory complaints referring to various Articles of the Convention, 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 these parts of the applications are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court unanimously

Decides to join the applications;

Takes note of the terms of the respondent Government's declarations under Article 6 § 1 of the Convention and of the modalities for ensuring compliance with the undertakings referred to therein;

Decides to strike the part of the applications concerning the applicants' complaint about the delayed enforcement of the judgments in their favour out of its list of cases in accordance with Article 37 § 1 (c) of the Convention;

Declares the remainder of the applications inadmissible.

André Wampach
Deputy Registrar

Khanlar Hajiyev
President

APPENDIX

No	Application No	Lodged on	Applicant Date of birth Place of residence	Delay in enforcement	Unilateral remedial offer (EUR)
1.	16200/07	24/01/2007	Rimma Nuriyevna SULTANOVA 28/09/1950 Belebey	4 years 11 months 6 days	3,110
2.	18035/07	09/03/2007	Galina Gennadyevna RESHETNIKOVA Unknown Sosnovka	Not enforced	2,800 (non-pecuniary damage) 24,6 (RUB 1,000 pecuniary damage)
3.	22479/07	12/05/2007	Lyubov Borisovna MINAKOVA 26/07/1949 Voronezh	8 years 4 months 5 days	4,093
4.	23138/07	13/04/2007	Vasiliy Mikhaylovich FEDOTOV 25/07/1948 Morshansk	1 year 4 months 5 days	852
5.	25062/07	30/04/2007	Nikolay Aleksandrovich KOVALENKO 06/10/1961 Pskov	3 years 5 months (from 1 April 2006 till 2 September 2009)	1,703
6.	25183/07	16/04/2007	Vasiliy Stepanovich TKACHUK 17/10/1940 Babynino	3 years 3 months 15 days	1,614
7.	26317/07	14/03/2007	Timofey Vasilyevich BUZULUKIN 04/09/1937 Zernograd	1 year 1 month 16 days	712
8.	27134/07	05/05/2007	Nikolay Fedorovich	1 year 2 months	760

No	Application No	Lodged on	Applicant Date of birth Place of residence	Delay in enforcement	Unilateral remedial offer (EUR)
			YEROKHIN 22/01/1960 Tambov	14 days	
9.	32913/07	18/06/2007	Aleksandr Vladimirovich BESPECHALOV 22/04/1979 Kostroma	3 years 8 months 11 days	2,331
10.	37889/07	05/07/2007	Pavel Ivanovich LEVASHKO 22/08/1950 Donskoy	1 year 1 months 10 days	702
11.	38394/07	13/08/2007	Viktor Ivanovich PAPROTSKIY 09/03/1957 Chernyshevka	1 year 26 days	676
12.	39070/07	22/08/2007	Yuriy Fedorovich NAYMUSHIN 20/07/1951 Yekaterinbourg	1 year 2 months 28 days	785