



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

Communicated on 15 July 2014

FIRST SECTION

Application no. 11230/08
Vladimir Aleksandrovich SALMIN and Vitaliy Vladimirovich
BESKISHEV
against Russia
lodged on 14 January 2008

STATEMENT OF FACTS

The applicants, Mr Vladimir Aleksandrovich Salmin and Mr Vitaliy Vladimirovich Beskishev, are Russian nationals, who were born in 1989 and 1988 respectively and live in Krasnodar. They are represented before the Court by Ms A. Kharchenko, a lawyer practising in Krasnodar.

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

On 7 February 2006 the applicants were arrested on suspicion of murder. The Leninskiy District Court of Krasnodar remanded them in custody.

On 17 February 2006 the investigator in charge of the case held that the applicants should be released because there was insufficient evidence to bring the charges against them.

On 17 December 2006 the investigator discontinued the criminal proceedings against both applicants, as their involvement in the murder could not be proven.

The applicants brought a civil claim for compensation in respect of unlawful institution of criminal proceedings against the Krasnodar prosecutor's office and the Ministry of Finance.

By decision of 4 June 2007, a judge of the Leninskiy District Court declared the claim inadmissible, holding that they should have exercised their "right to rehabilitation" under the Code of Criminal Procedure.

The applicants amended and resubmitted their statement claim on 20 June 2007, relying expressly on Articles 1070 and 1100 of the Civil Code.

On 29 June 2007 another judge of the Leninskiy District Court declared their claim inadmissible, noting that "it was unclear which defendant was to pay compensation in respect of non-pecuniary damage". The applicants were invited to amend their claim by 9 July 2007.

On 16 August 2007 the president of the Leninskiy District Court discontinued the proceedings on their claim, holding that it was substantially the same as the one that had been declared inadmissible by the decision of 4 June 2007. On 25 September 2007 the Krasnodar Regional Court upheld that decision on appeal.

COMPLAINTS

The applicants complain under Article 6 of the Convention that their claim for compensation has not been examined on the merits.

QUESTION TO THE PARTIES

As regards the domestic courts' refusal to examine the merits of the applicants' claim for compensation based on the provisions of the Russian Civil Code, was there a violation of their right of access to a court guaranteed under Article 6 § 1 of the Convention?