



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

FIRST SECTION

DECISION

*This version was rectified on 6 October 2010
under Rule 81 of the Rules of the Court*

Application no. 41446/02 and 67 other applications
by Sergey Aleksandrovich SHEVCHENKO and Others
against Russia

The European Court of Human Rights (First Section), sitting on
23 September 2010 as a Chamber composed of:

Christos Rozakis, *President*,

Nina Vajić,

Anatoly Kovler,

Elisabeth Steiner,

Khanlar Hajiyev,

Giorgio Malinverni,

George Nicolaou, *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 requesting the Court to strike the applications out of the list of
cases and the applicants' replies to those declarations,

Having deliberated, decides as follows:

PROCEDURE

The applicants are 80 Russian nationals whose names and dates of birth are tabulated below. The Russian Government (“the Government”) were represented by Mr G. Matyushkin, the Representative of the Russian Federation at the European Court of Human Rights.

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

The applicants sued the State authorities in domestic courts for payment of various monetary sums due under the Russian law. The courts held for the applicants and ordered the authorities to pay various amounts in the form of lump sums and/or of periodic payments to be upgraded in line with the inflation in the country. These judgments became binding but the authorities delayed their enforcement.

COMPLAINTS

The applicants complained about the delayed enforcement of the judgments in their favour and, in certain cases, of assorted faults that allegedly accompanied the judicial or enforcement proceedings. In some of the applications other complaints under various Articles of the Convention are also raised.

THE LAW

Following the *Burdov* (no. 2) pilot judgment cited above the Government informed the Court of the payment of the domestic court awards in the applicants' favour and submitted unilateral declarations aimed at resolving the issues raised by the applications. By these declarations the Russian authorities acknowledged in various but very similar terms that judgments in the applicants' favour were not enforced in a timely manner (*e.g.* “the excessive duration of the enforcement”, “the delay in the enforcement” or “the lengthy enforcement”). They also declared that they were ready to pay the applicants *ex gratia* the sums tabulated below. 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.”

Some applicants agreed to the terms of the Government's declarations. A majority of the applicants disagreed, considering that the compensation amounts offered by the Government were insufficient.

The Court reiterates that under Article 37 of the Convention it may at any stage of the proceedings strike an application out of its list of cases where the circumstances lead to the conclusions specified under (a), (b), or (c) 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 (*Burdov v. Russia (no. 2)*, cited above) it recently 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:

“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 judgments in the applicants' favour is acknowledged by the Government either explicitly or in substance. The Court also notes that the compensations offered are comparable with Court awards in similar cases, taking account, *inter alia*, of the specific delay(s) in each particular case (see *Burdov (no. 2)*, cited above, §§ 99 and 154).

The Court therefore considers that it is no longer justified to continue the examination of the applications. It is also satisfied that respect for human rights as defined in the Convention and the protocols thereto does not require it to continue the examination of the applications.

Accordingly, the applications should be struck out of the list, insofar as their non-enforcement complaints are concerned.

As to the other complaints lodged by some of the applicants under 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 this part 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

Takes note of the terms of the respondent Government's declarations;

Decides to join the applications;

Decides to strike the applications in respect of non-enforcement of the judgments in the applicants' favour out of its list of cases;

Declares the remainder of the applications inadmissible.

André Wampach
Deputy Registrar

Christos Rozakis
President

APPENDIX

	Appl. no.	Last name	Forename	Born	Compensation offered (euros)
1.	41446/02	SHEVCHENKO	SERGEY ALEKSANDROVICH	1959	600
2.	24381/03	KALININA	TATYANA BORISOVNA	1962	1,200
3.		MALOVA	YELENA ALEKSEYEVNA	1976	1,200
4.		GALTSEV	MIKHAIL YURYEVICH	1963	1,200
5.	3508/04	ZHOGIN	ANATOLIY MIKHAILOVICH		4,000
6.	34103/04	ABAYEV	YURIY UZBEKOVICH	1959	1,634
7.		TSORIYEV	VIKTOR MAGOMETOVICH	1961	1,555
8.		AVSANOV	KHARITON TAZEYEVICH	1959	1,650
9.		ALBEGOV	MARAT KAZBEKOVICH	1970	1,600
10.		ALBOROV	ZAUR MIKHAYLOVICH	1960	1,698
11.		AMBALOV	KAZBEK VLADIMIROVICH	1959	1,940
12.		GORYAYNOV	NIKOLAY IVANOVICH	1954	1,510
13.		DZHIOYEV	KAZBEK GRAFOVICH	1951	1,449
14.		ZASEYEV	IBRAGIM GUBEYEVICH	1966	1,667
15.		KOVALEV	SERGEY VASILYEVICH	1973	1,548
16.	TUAYEV	ZURAB SHALVOVICH	1959	1,425	
17.	36496/04	YEVLANOVA	LYUDMILA VASILYEVNA	1946	1,680
18.	42684/04	YELISEYEV	ALEKSANDR FEDOROVICH	1940	3,786
19.	43467/04	DEMYANENKO	VASILYIY VLADIMIROVICH	1960	1,500
20.	4672/05	PAVLOV	VYACHESLAV ALEKSEYEVICH	1981	1,148
21.	19180/05	BAKHINSKIY	ALEKSANDR VYACHESLAVOVICH	1956	1,700
22.	22180/05	SHISHOV	SERGEY BORISOVICH	1951	923
23.	25511/05	GVOZDEV	SERGEY ALEKSANDROVICH	1971	1,600
24.	43136/05	SAMOYLOVA	VERA GEORGIYEVNA	1937	3,000
25.	43208/05	KLYKOVA	NATALYA NIKOLAYEVNA	1955	1,330 ¹
26.	45685/05	KUDELIN	VIKTOR POLIKARPOVICH	1959	1,260
27.	504/06	STRELTSOV	VIKTOR LVOVICH	1934	2,600
28.	6552/06	NEDAVNIY	YURIY ALEKSANDROVICH	1965	1,479
29.	12747/06	MOISEYEV	ALEKSANDR GRIGORYEVICH	1956	1,810
30.	14501/06	BELAN	VLADIMIR GRIGORYEVICH	1938	790
31.	19063/06	ORLOV	YURIY ALEKSEYEVICH	1964	2,645
32.	19096/06	SHMAKOV	ALEKSEY PETROVICH	1949	4,827
33.	22627/06	KRASNOSLOBODT SEV	YURIY VLADIMIROVICH	1960	1,970
34.	22630/06	MUKHIN	NIKOLAY SERGEYEVICH	1961	1,300

¹ Rectified on 6 October 2010: the amount was “1,200”

	Appl. no.	Last name	Forename	Born	Compensation offered (euros)
35.	27128/06	VORONKOV	PETR IVANOVICH	1955	1,960
36.	30438/06	YARENKO	ANATOLIY SERGEYEVICH	1948	1,085
37.	32424/06	ATAYAN	PALMIRO APETNAKOVICH	1949	2,247
38.	44825/06	SOBOLEVA	NADEZHDA MIKHAYLOVNA	1967	4,000
39.	50529/06	GUSAKOV	ALEKSANDR ALEKSANDROVICH	1976	1,650
40.	2336/07	PONOMAREV	ALEKSANDR VASILYEVICH	1953	1,517
41.	2666/07	BURCHIKOV	GENNADIY NIKOLAYEVICH	1956	1,382
42.	4547/07	TKACHENKO	VLADIMIR VIKTOROVICH	1963	995
43.	5412/07	KASHPEROV	VALERIY GRIGORYEVICH	1954	958 ¹
44.	6541/07	KAMAYEV	VALENTIN MIKHAYLOVICH	1948	1,350
45.	19223/07	BORISOVA	TAMARA ALEKSEYEVNA	1958	1,780
46.		BORISOV	ALEKSANDR IVANOVICH	1951	
		25310/07	BORISOV	ALEKSANDR IVANOVICH	
47.	19517/07	FINKLER	SERGEY ALEKSANDROVICH	1969	1,046
48.	19578/07	LOZOVVOY	FEDOR FEDOROVICH	1943	861
49.	19960/07	KUZNETSOV	IVAN VASILYEVICH	1956	921
50.	19968/07	VASILYEV	NIKOLAY IVANOVICH	1949	800
51.	22637/07	IVANOVA	NATALYA SERGEYEVNA	1981	5,000
52.	28437/07	OSOVSKIY	NIKOLAY ALEKSANDROVICH	1945	702
53.	29960/07	ALEKSEYENKO	SERGEY VLADIMIROVICH	1951	756
54.	30461/07	RYABOKON	VALERIY IVANOVICH	1960	700
55.	32340/07	STOVBUL	KONSTANTIN KONSTANTINOVICH	1952	823
56.	32342/07	ALEKSEYCHUK	VLADIMIR STEPANOVICH	1951	690
57.	36860/07	PURYATKIN	FEDOR ALEKSEYEVICH	1949	710
58.	38534/07	TSAP	VLADIMIR IVANOVICH	1959	1,600
59.	44561/07	BARMA	VASILYIY PETROVICH	1948	995
60.	44867/07	SAFONOV	YEVGENIY NIKOLAYEVICH	1948	3,236
61.	44879/07	ZHIRNOV	NIKOLAY BORISOVICH	1963	982
62.	55317/07	KOZIY	GEORGIY YURYEVICH	1951	923
63.	55331/07	BELOUSOV	SERGEY IVANOVICH	1953	960
64.	55604/07	GUREYEV	GENNADIY GENNADYEVICH	1961	4,900
65.	56122/07	VOLOSHCHENKO	GENNADIY VALENTINOVICH	1970	4,800
66.	79/08	SIDOROV	PETR ILYICH	1948	655
67.	326/08	SULEYMANOV	SHAKHRUTDIN ABDRAHITOVICH	1955	1,550
68.	3716/08	KOTOV	ALEKSANDR VASILYEVICH	1948	900
69.	5105/08	KISELEV	VIKTOR VASILYEVICH	1950	900

¹ Rectified on 6 October 2010: the amount was “956”

	Appl. no.	Last name	Forename	Born	Compensation offered (euros)
70.	9478/08	RADOVNYA	NIKOLAY SERAFIMOVICH	1956	712
71.	10608/08	ZHURBA	DMITRIY VLADIMIROVICH	1948	825
72.	10670/08	SIROTIN	NIKOLAY IVANOVICH	1951	885
73.	38027/08	ZOLOYEV	STANISLAV SERGEYEVICH	1956	2,300
74.	39217/08	MAKAROVA	VALENTINA NIKOLAYEVNA	1953	750
75.	52350/08	MAKAROV	FEDOR IVANOVICH	1948	750
76.	59369/08	TERNOVOY	KONSTANTIN VIKTOROVICH	1982	3,200
77.	59888/08	MASHUKOV	ARTUR SHAFIGOVICH	1976	3,200
78.	60729/08	KOLTSOV	MIKHAIL YURYEVICH	1970	3,700
79.	60995/08	SHADOV	RUSLAN KIMOVICH	1978	3,200
80.	1724/09	BOGDANOV	DMITRIY YURYEVICH	1970	2,100