



# Russia

## Ratified the European Convention on Human Rights in 1998

### National Judge: Dmitry Dedov

[Judges' CVs](#) are available on the ECHR Internet site;

Previous Judges: Vladimir Toumanov (1997-1998), Anatoly Kovler (1999-2012)

The Court dealt with 7,010 applications concerning Russia in 2016, of which 6,365 were declared inadmissible or struck out. It delivered 228 judgments (concerning 645 applications), 222 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2015	2016	2017*
Applications allocated to a judicial formation	6003	5588	3451
Communicated to the Government	1353	1953	990
Applications decided:	6712	7010	3817
- Declared inadmissible or struck out (Single Judge)	6137	5559	2817
- Declared inadmissible or struck out (Committee)	379	778	494
- Declared inadmissible or struck out (Chamber)	36	28	11
- Decided by judgment	160	645	495
Interim measures:	96	107	90
- Granted	26	41	16
- Refused (including out of scope)	70	66	74

\* January to July 2017

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#)

Applications pending before the court on 01/07/2017	
Total pending applications*	9215
Applications pending before a judicial formation:	7404
Single Judge	615
Committee (3 Judges)	2407
Chamber (7 Judges)	4375
Grand Chamber (17 Judges)	7

\*including applications for which completed application forms have not yet been received

### Russia and ...

#### Its contribution to the Court's budget

For 2017 the Court's budget amounts to approximately 71 million euros. That budget is financed by contributions from the 47 member States of the Council of Europe in accordance with scales based on population and GDP; the 2017 contribution of Russia to the Council of Europe's (EUR 328 million) budget is **EUR 33,035,136**.

#### The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **672** Registry staff members of whom **59** are Russian.

## Noteworthy cases, judgments delivered

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### Grand Chamber

#### **Nagmetov v. Russia**

30.03.2017

The case concerned the issue of whether an award of just satisfaction could be made in the absence of a properly made "claim".

Violation of Article 2 under its substantive and procedural limbs

Just satisfaction awarded to the applicant

#### **Khamtokhu and Aksenchik v. Russia**

24.01.2017

The case concerned an allegation of discriminatory age- and gender-related differences in life sentences.

The applicants alleged that, as adult males serving life sentences for a number of serious criminal offences, they had been discriminated against as compared to other categories of convicts – women, persons under 18 when their offence had been committed or over 65 when the verdict had been delivered – who were exempt from life imprisonment by operation of the law.

No violation of Article 14 (prohibition of discrimination) taken in conjunction with Article 5 (right to liberty and security), as regards the difference in treatment in life sentencing in Russia on account of age

No violation of Article 14, taken in conjunction with Article 5, as regards the difference in treatment on account of sex

#### **Blokhin v. Russia**

23.03.2016

The case concerned the detention for 30 days of a 12-year old boy, who was suffering from a mental and neurobehavioural disorder, in a temporary detention centre for juvenile offenders.

Violation of Article 3 (prohibition of inhuman or degrading treatment)

Violation of Article 5 § 1 (right to liberty and security)

Violation of Article 6 §§ 1 and 3 (right to a fair trial)

#### **Mozer v. the Republic of Moldova and Russia**

23.02.2016

The case concerned the detention of a man suspected of fraud, as ordered by the courts of the self-proclaimed "Moldavian Republic of Transdniestria" (the "MRT").

**No violation of Article 3** (prohibition of inhuman and degrading treatment) by the Republic of Moldova, and **violation of Article 3** of the Convention by Russia;

**No violation of Article 5 § 1** (right to liberty and security) by the Republic of Moldova, and **violation of Article 5 § 1** by Russia;

**No violation of Article 8** (right to respect for private and family life) by the Republic of Moldova, and **violation of Article 8** by Russia;

**No violation of Article 9** (freedom of thought, conscience and religion) by the Republic of Moldova, and **violation of Article 9** by Russia;

**No violation of Article 13** (right to an effective remedy) **in conjunction with Articles 3, 8 and 9** by the Republic of Moldova, and **violation of Article 13 in conjunction with Articles 3, 8 and 9** by Russia.

The Court further held that the facts complained of fell within the jurisdiction of both the Republic of Moldova and of Russia.

#### **Roman Zakharov v. Russia**

04.12.2015

The case concerned the system of secret interception of mobile telephone communications in Russia. The applicant, an editor-in-chief of a publishing company, complained in particular that mobile network operators in Russia were required by law to install equipment enabling law-enforcement agencies to carry out operational-search activities and that, without sufficient safeguards under Russian law, this permitted blanket interception of communications.

Violation of Article 8 (right to respect for private life and correspondence)

Press release in [Russian](#).

#### **Khoroshenko v. Russia**

30.06.2015

The case concerned the complaint by a life prisoner about various restrictions on family

visits during ten years of his detention in a special regime correctional colony.

Violation of Article 8 (right to respect for private and family life)

### **Svinarenko and Slyadnev v. Russia**

17.07.2014

The case essentially concerned the practice of keeping remand prisoners in metal cages during hearings on their cases.

Violation of Article 3 (torture and inhuman or degrading treatment or punishment)

Violation of Article 6 § 1 (right to a fair trial within a reasonable time)

### **Georgia v. Russia (I)**

03.07.2014

The case concerned the alleged existence of an administrative practice involving the arrest, detention and collective expulsion of Georgian nationals from the Russian Federation in the autumn of 2006.

Violation of Article 4 of Protocol No. 4 (prohibition of collective expulsion of aliens)

Violation of Article 5 § 1 (right to liberty and security)

Violation of Article 5 § 4 (right to judicial review of detention)

Violation of Article 3 (prohibition of inhuman or degrading treatment)

Violations of Article 13 (right to an effective remedy) in conjunction with Article 5 § 1 and with Article 3

Violation of Article 38 (obligation to furnish all necessary facilities for the effective conduct of an investigation)

The Court also found no violation of Article 8 (right to respect for private and family life), no violation of Article 1 of Protocol No. 7 (procedural safeguards relating to expulsion of aliens) and no violation of Articles 1 and 2 of Protocol No. 1 (protection of property and right to education).

### **Janowiec and Others v. Russia**

21.10.2013

The case concerned complaints by relatives of victims of the 1940 Katyń massacre – the killing of several thousands of Polish prisoners of war by the Soviet secret police (NKVD) – that the Russian authorities' investigation into the massacre had been inadequate.

The Court held:

*By a majority*, that it had no competence to examine the complaints under Article 2 (right to life);

*By a majority*, that there had been no violation of Article 3 (prohibition of inhuman or degrading Treatment);

*Unanimously*, that Russia had failed to comply with its obligations under Article 38 (obligation to furnish necessary facilities for examination of the case).

Press release available in [Polish](#) and [Russian](#).

### **Catan and Others v. Moldova and Russia (applications nos. 43370/04, 8252/05 and 18454/06)**

19.10.2012

The case concerned the complaint by children and parents from the Moldovan community in Transdnistria about the effects of a language policy adopted in 1992 and 1994 by the separatist regime forbidding the use of the Latin alphabet in schools and the subsequent measures taken to enforce the policy. Those measures included the forcible eviction of pupils and teachers from Moldovan/Romanian-language schools as well as forcing the schools to close down and reopen in different premises.

No violation of Article 2 of Protocol No. 1 (right to education) to the European Convention on Human Rights in respect of the Republic of Moldova; and,

Violation of Article 2 of Protocol No. 1 in respect of the Russian Federation  
[Russian version Press Release](#)

### **Konstantin Markin v. Russia**

22.03.2012

The case concerned the Russian authorities' refusal to grant the applicant parental leave, which represented a difference in treatment compared to female military personnel.

Violation of Article 14 (prohibition of discrimination) in conjunction with article 8 (right to protection of private and family life)

No violation of Article 34 (right to an individual petition)

### **Sakhnovskiy v. Russia**

02.11.2010

The case concerned ineffective legal assistance during appeal proceedings in a criminal case.

Violation of Article 6 § 1 (right to a fair trial) in conjunction with article 6 § 3 (right to effective legal assistance)

### **[Bykov v. Russia](#)**

10.03.2009

The case concerned the FSB's covert operation to obtain evidence of the applicant's intention to commit murder.

[Violation of Article 8 \(right to respect for private and family life\)](#)

### **[Sergey Zolotukhin v. Russia](#)**

10.02.2009

The case concerned imposition of administrative sanctions and criminal conviction for the same offence.

[Violation of Article 4 of Protocol No. 7 \(right not to be tried or punished twice\)](#)

### **[Ilaşcu and Others v. Moldova and Russia](#)**

08.07.2004

Detention and ill-treatment in the unrecognised entity known as "Moldovan Republic of Transdnistria".

[Several violations of Article 3 \(prohibition of inhuman or degrading treatment\)](#)

[Russian version](#) press release.

## **Noteworthy cases, judgments delivered**

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### **Chamber**

#### **Right to life (Article 2)**

##### Violations of Article 2

### **[Tagayeva and Others v. Russia](#)**

13.04.2017

The case concerned the September 2004 terrorist attack on a school in Beslan, North Ossetia (Russia). For over fifty hours heavily armed terrorists held captive over 1,000 people, the majority of them children. Following explosions, fire and an armed intervention, over 330 people lost their lives (including over 180 children) and over 750 people were injured. The case was brought by 409 Russian nationals who had either been taken hostage and/or injured in the incident, or are family members of those taken hostage, killed or injured. They made allegations of a range of failings by the Russian State in relation to the attack.

Press release in [Russian](#).

### **[Maslova v. Russia](#)**

14.02.2017

The case concerned the death of the applicant's brother in a police station.

### **[S.K. v. Russia \(no. 52722/15\)](#)**

14.02.2017

The case concerned a decision by the Russian authorities to detain a Syrian national, S.K., and remove him to his home country. In October and November 2015 S.K. obtained an interim measure from the European Court, indicating that he should not be removed from Russia whilst the Court examined his case.

### **[Gerasimenko and Others v. Russia](#)**

01.12.2016

The case concerned a shooting spree carried out by a uniformed police officer that took place in and around a shopping centre in Moscow, in the early hours of 27 April 2009. The applicants were all wounded in the attack. They lodged claims for damages against the Russian State, arguing that the incident was made possible due to serious failures by the Government authorities. The claims were all dismissed by the domestic courts. The applicants complained to the Court that the Government had failed in its obligation to safeguard their lives, and that they had been denied a remedy for this failure.

### **[Mezhiyeva v. Russia](#)**

16.04.2015

The case concerned a bomb explosion in Grozny (the Chechen Republic, Russia) in 2001, which killed a bus driver and left his wife – the applicant in this case – severely injured.

### **[Pisari v. the Republic of Moldova and Russia](#)**

21.04.2015

The case addressed the question of State responsibility for the actions of a Russian soldier at a peacekeeping checkpoint in Moldova which resulted in the death of a young man, Vadim Pisari. The checkpoint in question was situated in the security zone put in place following an agreement to end the military conflict in the Transdnistriean region of Moldova in 1992 and was under the command of Russian soldiers. The case also concerned the manner in which the subsequent investigation into his death was run.

The Court held that the Russian Federation should be held responsible for consequences arising from a Russian soldier's actions even though they had not occurred in Russia. Indeed, the Russian Government had not objected to the allegation that Vadim Pisari had been under their jurisdiction or that his death had been their responsibility. The Court further found that the Russian soldier's decision to shoot at the passing vehicle had not been justified and identified procedural problems with the Russian investigation into the case.

#### **Perevedentsev v. Russia**

24.04.2014

The case concerned the death of a 19-year old conscript, Mikhail Perevedentsev, during his military service.

#### **Finogenov and Others v. Russia**

20.12.2011

The case was brought by relatives of the victims of the tragic events in the "Dubrovka" theatre in October 2002 in Moscow (also known as the "Nord-Ost" theatre) and concerns the measures taken by the authorities to prevent the terrorist attack and the subsequent use of a narcotic gas by the Russian security services during the rescue operation.

No violation of Article 2 concerning the decision to resolve the hostage crisis by force and use gas;

Violation of Article 2 concerning the inadequate planning and implementation of the rescue operation;

Violation of Article 2 concerning the ineffectiveness of the investigation into the allegations of the authorities' negligence in planning and carrying out the rescue operation as well as the lack of medical assistance to hostages.

#### **Rantsev v. Cyprus and Russia**

07.01.2010

Cypriot and Russian authorities failed to protect a 20-year old Russian cabaret artiste from human trafficking.

#### **Budayeva and Others v. Russia**

20.03.2008

The case concerned the state's failure to protect residents of Tynauz hit by a succession of mudslides.

### **Inhuman or degrading treatment (Article 3)**

#### Violations of Article 3

#### **Olisov and Others v. Russia**

02.05.2017

The applicants in this case relied on Article 3 (prohibition of torture) to complain that they had been subjected to violence from police officers with the aim of obtaining confessions and that the authorities had refused to investigate their allegations. Their complaints included claims that they had been punched and kicked, beaten with a truncheon, suffocated, tied up in torturous positions, lifted and dropped. See press release in [Russian](#).

#### **Orlov and Others v. Russia**

14.03.2017

The case concerned the abduction and ill-treatment of a human rights activist and three journalists, in Ingushetia (Russia), during November 2007.

#### **V.K. v. Russia (no. 68059/13)**

07.03.2017

Mistreatment of a four year old boy by teachers at his public nursery school which resulted in him developing a neurological disorder.

#### **Shioshvili and Others v. Russia**

20.12.2016

The case concerned the expulsion from Russian territory of a heavily pregnant Georgian woman, accompanied by her four young children, in the autumn of 2006. The applicants complained that they had been collectively expelled from Russia, but then prevented from leaving the country for almost two weeks whilst being exposed to very poor conditions by the Russian authorities. Though the family did eventually reach Georgia, after arriving the pregnant mother gave birth to a still-born baby.

#### **Kolomenskiy v. Russia**

13.12.2016

The case concerned the placement in pre-trial detention and the conditions of detention of a lawyer who had been appointed as the administrator of a company in judicial reorganisation proceedings.

### **Yaroslav Belousov v. Russia**

04.10.2016

The case concerned the criminal proceedings brought against a protestor who had attended the Bolotnaya Square rally of 6 May 2012. Mr Belousov had been tried and convicted for his role in the protest, which had involved chanting slogans and throwing a small object towards the police. He had been sentenced to two years and three months' imprisonment.

[Violations of Articles 3, 5 \(right to liberty\), 6 \(right to a fair trial\) and 11 \(freedom of assembly\)](#)

### **Kondrulin v. Russia**

20.09.2016

The case concerned a complaint brought by a prisoner about his inadequate medical care in detention; he then died from cancer while serving his sentence, leaving no known relatives, and the European Court had to consider the question of whether the NGO whose lawyers represented him in the domestic proceedings had legal standing to continue his case.

[Violation of Article 34 \(right of individual petition\) on account of the State's failure to comply with an interim measure in which the European Court had requested an independent medical examination of Mr Kondrulin](#)

### **A.L. (X.W.) v. Russia (no. 44095/14)**

29.10.2015

The case concerned, in particular, the complaint by a man residing in Russia and wanted as a criminal suspect in China that if forcibly returned to China, he would be at risk of being convicted and sentenced to death.

### **L.M. and Others v. Russia**

**(nos. 40081/14, 40088/14 and 40127/14)**

15.10.2015

Concerned the impending expulsion of three men to Syria from Russia and their detention pending expulsion in Russia.

[This was the first time that the Court addressed in a judgment the issue of returns to Syria in the current situation.](#)

Having regard to its finding that the applicants' detention, since the last decision by the Russian courts confirming their expulsion order in May 2014, had been in

breach of Article 5, the Court held, in application of Article 46 (binding force and execution of judgments), that Russia was to ensure the immediate release of two of the applicants who had so far remained in detention.

### **Turbylev v. Russia**

06.10.2015

Mr Turbylev's complaint of having been ill-treated in police custody and of the unfairness of the criminal trial against him, in which his statement of "surrender and confession", made as a result of his ill-treatment and in the absence of a lawyer, was used as evidence.

See also [Russian version of press release](#)

### **Lyalyakin v. Russia**

12.03.2015

The case concerned a complaint by a conscript about degrading treatment when he was caught trying to escape from the army, including appearing undressed in front of other soldiers.

### **Razzakov v. Russia**

05.02.2015

The case concerned the complaint of a man suspected of having committed an offence that he was tortured in police custody to make him confess to a murder.

[The Court found that Mr Razzakov's ill-treatment by the police had amounted to torture. Given that the authorities had failed to conduct an effective investigation into his ill-treatment and to prosecute those responsible, Mr Razzakov could still claim to be a victim of a violation of Article 3, even though he had been awarded compensation.](#)

### **Mamazhonov v. Russia**

23.10.2014

The case concerned an Uzbek national's allegation that he would be ill-treated if he were extradited to Uzbekistan, as well as his disappearance and alleged abduction pending the examination of his case before the European Court of Human Rights.

See press release in [Russian](#).

### **Lyapin v. Russia**

24.07.2014

The case mainly concerned the practice of refusals to open criminal cases into credible allegations of torture and inhuman treatment at the hands of the police.

**Kim v. Russia**

17.07.2014

The case concerned the detention of a stateless person, whom the authorities initially took to be a national of Uzbekistan, with a view to his expulsion.

**Savriddin Dzhurayev v. Russia**

25.04.2013

Abduction and secret transfer of a man, whose extradition had been sought by the Tajik authorities and who had been granted temporary asylum in Russia, to his home country, Tajikistan, where he was subsequently prosecuted and sentenced to imprisonment for offences against national security.

[See also Russian version of press release](#)

**Iskandarov v. Russia**

23.09.2010

Ex-leader of the Tajik political opposition unlawfully removed from Russia to Tajikistan.

**Kopylov v. Russia**

29.07.2010

Severe torture in police custody and failure to investigate it effectively

**Lopata v. Russia**

13.07.2010

State intimidated applicant who complained about police brutality to the European Court of Human Rights

**Slyusarev v. Russia**

20.04.2010

Making a detainee wait for five months before returning his damaged glasses to him and another two months for his new glasses amounted to degrading treatment

**Klein v Russia**

01.04.2010

Applicant, criminally convicted in Colombia, arrested in Russia upon an Interpol notice.

**Aleksanyan v. Russia**

22.12.2008

Court ordered discontinuing of applicant's pre-trial detention due to his grave illness.

**Garabayev v. Russia**

07.06.2007

Insufficient guarantees against arbitrariness and no judicial review of detention pending extradition.

**Mikheyev v. Russia**

26.01.2006

Torture in police detention

**Kalashnikov v. Russia**

15.07.2002

Inhuman conditions in pre-trial detention due to overcrowding and poor hygienic and medical facilities.

**Khodorkovskiy (no. 2) and Lebedev (no. 2) v. Russia**

25.07.2013

Concerned criminal proceedings which ended in a judgment of September 2005 by the Moscow City Court in which Mr Khodorkovskiy and Mr Lebedev, two former top-managers and major shareholders of a large industrial group, were found guilty of large-scale tax evasion and fraud. The domestic proceedings at the heart of the present case are commonly known in Russia as "the first trial of Khodorkovskiy and Lebedev".

**No violation of Article 3** (prohibition of inhuman and degrading treatment) as concerned Mr Lebedev's conditions of detention on remand but a **violation of Article 3** with regard to the humiliation of his being placed in a metal cage during court hearings on his case;

**Violation of Article 5 §§ 3 and 4** (right to liberty and security) concerning the length of Mr Lebedev's detention on remand and the delayed examination of a detention order of December 2004 but **no violation as concerned the other complaints under Article 5;**

**No violation of Article 6 § 1** (right to fair trial) with regard to the impartiality of the judge who presided at the applicants' trial or with regard to the time and facilities given for the preparation of their defence but a **violation of Article 6 §§ 1 and 3(c) and (d)** as concerned breaches of the lawyer-client confidentiality and the unfair taking and examination of evidence by the trial court;

**No violation of Article 7** (no punishment without law) regarding the application of the tax law to convict the applicants, which the Court considered reasonable and corresponded to a common-sense understanding of tax evasion;

**Violation of Article 8** (right to respect for private and family life) on account of

Mr Khodorkovskiy's and Mr Lebedev's transfer to penal colonies in Siberia and the Far North, several thousand kilometres away from Moscow and their families;

**Violation of Article 1 of Protocol No. 1** (protection of property) on account of the arbitrary way in which Mr Khodorkovskiy had been ordered to reimburse tax arrears owed by Yukos to the State following his conviction;

**No violation of Article 18** (limitation on use of restrictions on rights) as concerned the complaint that Mr Khodorkovskiy's and Mr Lebedev's prosecution had been politically motivated; and,

**Violation of Article 34** (right of individual petition) on account of the authorities' harassment of Mr Khodorkovskiy's lawyers.  
[Russian version press release.](#)

#### **Khodorkovskiy v. Russia**

31.05.2011

The case concerned the arrest and detention for several years of one of the then richest people in Russia on charges of economic crimes.

**No violation of Article 3 (interdictions des traitements inhumains ou dégradants)** as regards the conditions of Mikhail Khodorkovskiy's detention in the remand prison between 25 October 2003 and 8 August 2005;

**Two violations of Article 3** as regards the conditions in which he was kept in court and in the remand prison after 8 August 2005;

**Violation of Article 5 § 1 (b) (lawfulness of detention for non-compliance with a lawful order)** as regards his apprehension on 25 October 2003;

**No violation of Article 5 § 1 (c) (lawfulness of detention of a criminal suspect)** as regards the lawfulness of his detention pending investigation;

**Violation of Article 5 § 3 (length of detention)** as regards the length of his continuous detention pending investigation and trial;

**Four violations of Article 5 § 4 (judicial review of the lawfulness of pre-conviction detention)** as regards procedural flaws related to his detention; and

**No violation of Article 18 (limitation of rights for improper purposes)** as

regards the claim that his prosecution was politically motivated.

[Russian version press release](#)

#### **Lebedev v. Russia**

25.10.2007

The case concerned the arrest and detention on remand of Mr. Lebedev, former senior manager of OAO Neftyanaya Kompaniya YUKOS, on charges of economic crimes and the fact that, between 22 March and 12 April 2003, the prison authorities had not allowed his lawyer to meet him.

**Violation of Article 5 § 1 (c)** concerning Mr Lebedev's unauthorised detention between 31 March and 6 April 2004;

**Violation of Article 5 § 3** (right to be brought promptly before a judge) concerning the absence of Mr Lebedev's lawyers at a hearing on 3 July 2003;

**Violation of Article 5 § 4** (right to have lawfulness of detention decided speedily by a court) concerning delays in the review of the detention order of 26 December 2003;

**Violation of Article 5 § 4** concerning delays in the review of the detention order of 6 April 2004;

**Violation of Article 5 § 4** concerning Mr Lebedev's absence from the detention hearing on 8 June 2004; and,

**No failure to comply with Article 34** (right of individual petition).

#### **OAO Neftyanaya kompaniya YUKOS v. Russia**

20.09.2011

The case concerned the tax and enforcement proceedings brought against the Russian oil company, OAO Neftyanaya Kompaniya YUKOS, (YUKOS), which led to its liquidation.

In its judgment, the Court held:

By six votes to one, that the case was admissible;

By six votes to one, that there had been a violation of Article 6 §§ 1 and 3 (b) (right to a fair trial) concerning the 2000 tax assessment proceedings against YUKOS, because it had insufficient time to prepare its case before the lower courts;

By four votes to three, that there had been a violation of Article 1 of Protocol No. 1 (protection of property) to the Convention, concerning the 2000-2001 tax assessments, regarding the imposition and calculation of penalties;



Unanimously, that there had been no violation of Article 1 of Protocol No. 1, concerning the rest of the 2000-2003 tax assessments;

Unanimously, that there had been no violation of Article 14 (prohibition of discrimination), in conjunction with Article 1 of Protocol No. 1 concerning whether YUKOS had been treated differently from other companies;

By five votes to two, that there had been a violation of Article 1 of Protocol No. 1, in that the enforcement proceedings were disproportionate;

Unanimously, that there had been **no violation of Article 18** (limitation on use of restriction on rights), in conjunction with Article 1 of Protocol No. 1, concerning whether the Russian authorities had misused the legal proceedings to destroy YUKOS and seize its assets; and, Unanimously, that the question of the application of Article 41 (just satisfaction) was not ready for decision.

In its Chamber [judgment](#) adopted on 24 June 2014, the Court ruled on the question of the application of Article 41 (just satisfaction) of the Convention.

The Court held, by a majority:

-that Russia was to pay the shareholders of Yukos as they had stood at the time of the company's liquidation and, if applicable, their legal successors and heirs 1,866,104,634 euros (EUR) in respect of pecuniary damage; and,

- that Russia had to produce, in co-operation with the Council of Europe's Committee of Ministers, within six months from the date on which the judgment became final, a comprehensive plan for distribution of the award of just satisfaction.

The Court further decided, by a majority, that Russia was to pay EUR 300,000 in respect of costs and expenses to the Yukos International Foundation.

The Court also held, unanimously, that the finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by Yukos.

## Right to liberty and security (Article 5)

### Violations of Article 5

#### [Kolomenskiy v. Russia](#)

13.12.2016

The case concerned the placement in pre-trial detention and the conditions of detention of a lawyer who had been appointed as the administrator of a company in judicial reorganisation proceedings.

#### [Kasparov v. Russia](#)

11.10.2016

The case concerned the Russian authorities' detention of Mr Kasparov at Sheremetyevo Airport in Moscow in May 2007, which had prevented him from attending an opposition political demonstration scheduled to be held at an EU-Russia summit in Samara.

#### [Oleynik v. Russia](#)

21.06.2016

The case related to the allegations of ill-treatment made by Mr Oleynik, a police officer suspected of soliciting a bribe, the lack of an effective investigation in that regard, the recording of his conversations and his unacknowledged detention on the premises of the Federal Security Bureau.

#### [Zherebin v. Russia](#)

24.03.2016

The case concerned the pre-trial detention of a criminal suspect.

#### [Shcherbina v. Russia](#)

26.06.2014

The case concerned the detention pending extradition from Russia to Kazakhstan of a man wanted by the Kazakh authorities, and in particular the duration of the review proceedings examining the lawfulness of his detention order.

#### [Taranenko v. Russia](#)

15.05.2014

The case concerned the detention and conviction of a participant in a protest against the politics of President Putin in 2004, organised by the National Bolsheviks Party.

#### [Petukhova v. Russia](#)

02.05.2013

The applicant complained in particular that she had been unlawfully held in police

custody before being transferred to hospital for an involuntary psychiatric examination.

**[Vlassov v. Russia](#)**

12.06.2008

The case concerned excessive length of detention pending trial.

**Cases concerning Article 6**

**Right to a fair trial**

**Violations of Article 6**

**[Navalnyy v. Russia](#)**

17.10.2017

The case concerned the complaint by Aleksey Navalnyy, an opposition leader, and his brother Oleg Navalnyy, an entrepreneur, that their criminal conviction for fraud and money laundering was based on an unforeseeable application of criminal law and that the proceedings were arbitrary and unfair.

**[Navalnyy and Ofitserov v. Russia](#)**

23.02.2016

The case concerned the complaint by an opposition activist and a businessman that the criminal proceedings leading to their conviction for embezzlement had been arbitrary and unfair, and based on an unforeseeable application of criminal law.

Press release in [Russian](#).

See also [Navalnyy and Yashin v. Russia](#)

**[Karelin v. Russia](#)**

20.09.2016

The applicant complained that the absence of a prosecuting party in proceedings against him for an administrative offence meant that they had been conducted in a way that was neither fair nor impartial.

**[Gankin and Others v. Russia](#)**

31.05.2016

The case concerned the complaints brought by four Russian nationals – the applicants – that they had not been notified of appeal hearings in civil proceedings to which they had been parties.

**[Lagutin and Others v. Russia](#)**

24.04.2014

The case concerned allegations by five people convicted of drug dealing that they had been victims of police entrapment.

**[Matytsina v. Russia](#)**

27.03.2014

The case concerned a yoga instructor's conviction of "illegal medical practice" after a participant in one of her courses in traditional Indian spiritual practices experienced serious psychological problems.

**[Kasparov and Others v. Russia](#)**

03.10.2013

The case concerned the arrest of a group of people ahead of an anti-government demonstration in April 2007, which had been authorised in a limited area, and their ensuing conviction of having breached the regulations on demonstrations.

**[Kravchenko and 23 Other "military accommodation" cases v. Russia](#)**

16.09.2010

Delayed enforcement of final judgments ordering the allocation of subsidised accommodation to end-of-carrier military officers

**[Shtukaturov v. Russia](#)**

27.03.2008

The applicant, mentally ill and declared officially disabled since 2003, was deprived of his legal capacity without his knowledge and confined to a psychiatric hospital upon request of his mother.

**[Vanyan v. Russia](#)**

15.12.2005

Right to fair trial breached as a result of police provocation having served as the only basis for conviction for drug dealing.

**Right of access to court**

**Violation of Article 6**

**[Cherednichenko and Others v. Russia](#)**

07.11.2017

The case concerned the starting point of the period allowed for lodging an appeal in civil proceedings, which was interpreted in different ways at national level: it was either the date on which a short form of the decision was read out at the hearing, or the date on which the full text of the decision was finalised by the judge, or the date on which the finalised decision was filed with the court's registry, or the date on which a copy of the decision was received through the post.

**Ivanova and Ivashova v. Russia**

26.01.2017

These two cases concerned the right of access to a court.

[No violation of Article 6 § 1 in respect of Ms Ivanova](#)

[Violation of Article 6 § 1 in respect of Ms Ivashova](#)

**Ryabykh v. Russia**

24.07.2003

Breach of the legal certainty requirement in civil proceedings before courts of general jurisdiction as a result of supervisory review (nadzor).

Right to a fair trial within a reasonable time

Violation of Article 6

**Kormacheva v. Russia**

29.01.2004

Excessive length of court proceedings and no remedy available in Russian law to challenge that.

Right to legal assistance

Violation of Article 6

**Mikhaylova v. Russia**

19.11.2015

The case concerned administrative offence proceedings under Russian law and the right to free legal assistance in such proceedings. Ms Mikhaylova complained that she had not, and could not, benefit from free legal assistance as Russian law excluded this possibility in administrative offence cases.

**Volkov and Adamskiy v. Russia**

26.03.2015

Allegations by two men providing computer repair services that they had been incited by the police to commit a crime.

**Private and family life  
(Article 8)**

Violations of Article 8

**Bogomolova v. Russia**

20.06.2017

The case concerned the use of a minor's image without parental authorisation. The child's photo was featured on the cover of a

regional booklet meant to inform the public about the local authorities' efforts to protect orphans and the assistance available for families looking to adopt. On behalf of herself as well as her son, Ms Bogomolova – the applicant – argued that the unauthorized use of her son's image in this publication had harmed their honour, dignity and reputation.

**Yevgeniy Zakharov v. Russia**

14.03.2017

This is the first case against Russia concerning an eviction from State-owned housing. Mr Zakharov complained about his eviction from local authority housing after the death of his partner.

**Polyakova and Others v. Russia**

07.03.2017

The applicants in this case are either prisoners, or the family members of prisoners, who were adversely affected by decisions of the Russian Federal Penal Authority ("the FSIN") to imprison individuals thousands of miles away from their families. The applicants complained that the decisions to allocate prisoners to remote penal facilities – and their subsequent inability to obtain transfers – had violated their right to respect for family life.

**Bagdonavicius and Others v. Russia**

11.10.2016

The case concerned the demolition of houses and the forced eviction of the applicants, who are of Roma origin and were resident in the village of Dorozhnoye.

**Nazarenko v. Russia**

16.07.2015

The case concerned Mr Nazarenko's exclusion from his daughter's life when, it having been revealed that he was not the biological father, his paternity was terminated.

**V.P. v. Russia (no. 61362/12)**

23.10.2014

Enforcement of Mr V.P.'s parental rights and return of his 6-year-old son, who had been abducted from Moldova to Russia by the boy's mother.

**Konovalova v. Russia**

09.10.2014

The case concerned Ms Konovalova's complaint that medical students had been

allowed to observe her giving birth, without her explicit consent.

**[Avilkina and Others v. Russia](#)**

06.06.2013

Alleged harassment of Jehovah's Witnesses. The applicants notably complained about disclosure of their medical files to the Russian prosecution authorities following their refusal to have blood transfusions during their stay in public hospitals.

**[Ageyev v. Russia](#)**

18.04.2013

The case concerned a married couple's complaint about the removal of their two adopted children and the revocation of the adoption following an incident when their son was burnt at home and had to go to hospital for treatment.

**[Fadeyeva v. Russia](#)**

09.06.2005

Severe environmental pollution and the right of the applicant to be relocated from the area upon a court order.

**[Klyakhin v. Russia](#)**

30.11.2004

Applicant's correspondence with the Court routinely opened and censored by prison authorities.

**Freedom of thought, conscience and religion (Article 9)**

**[Nolan and K. v. Russia](#)**

12.02.2002

Expulsion of a United States citizen who was a missionary for the Unification Church. [Violation of Articles 9 and 1 of Protocol No. 7 \(procedural safeguards relating to expulsion of aliens\)](#)

**Freedom of expression (Article 10)**

Violations of Article 10

**[Dmitriyevskiy v. Russia](#)**

03.10.2017

The case concerned the criminal conviction of the editor-in-chief of a regional newspaper following the publication of statements by two Chechen separatist leaders.

**[Novaya Gazeta and Milashina v. Russia](#)**

03.10.2017

The case concerned defamation proceedings against an editorial house and a journalist following the publication of two articles concerning the sinking of the Russian Navy's nuclear cruise missile submarine "Kursk" in the Barents Sea in August 2000 and the investigation into the accident.

**[Bayev and Others v. Russia](#)**

20.06.2017

The case concerned a complaint brought by three gay rights activists about legislation in Russia banning the promotion of homosexuality, also known as the "gay propaganda law". In a series of legislative acts – most recently in 2013 – "promoting non-traditional sexual relationships" among minors was made an offence punishable by a fine. As a protest against these laws, the three activists had staged demonstrations between 2009 and 2012. They were subsequently found guilty of administrative offences and given fines.

**[Nadtoka v. Russia](#)**

31.05.2016

The case concerned the criminal conviction, for insult, of a journalist and the editor-in-chief of the newspaper in which the offending article had been published.

**[Novikova and others v. Russia](#)**

26.04.2016

The case concerned the complaints by five people, lodged separately, about the authorities' response to demonstrations held by each of them, notably their arrest and retention at a police station for several hours and, in respect of three of the applicants, their conviction of an administrative offence.

**[Kharlamov v. Russia](#)**

08.10.2015

The case concerned a civil action in defamation brought against Mr Kharlamov, a university professor, by his employer, Orel State Technical University, after he expressed the view that the University's governing body could not be considered legitimate due to shortcomings in the election procedure.

### [Reznik v. Russia](#)

04.04.2013

The case concerned defamation proceedings against the president of the Moscow City Bar for critical statements on a live TV show about the conduct of male prison warders who had searched the female lawyer representing the prominent businessman Mikhail Khodorkovskiy.

### [Kudeshkina v. Russia](#)

26.02.2009

Disciplinary measures imposed on a judge for having publicly criticised the judicial system.

### [Grinberg v. Russia](#)

21.07.2005

Punitive proceedings brought by public officials against journalists for value judgment statements.

No violation of Article 10

### [Pasko v Russia](#)

22.10.2009

Military journalist criminally convicted and sentenced to imprisonment for treason.

## **Freedom of assembly and association (Article 11)**

### Violations of Article 11

### [Lashmankin and Others v. Russia](#)

07.02.2017

23 applicants from different parts of Russia alleged that local authorities had imposed severe restrictions on peaceful assemblies planned by them, without any proper justification.

[Violations of Articles 11, 13 \(right to an effective remedy\) in conjunction with 11, 5 \(right to liberty\) and 6 \(right to a fair trial\)](#)

See press release in [Russian](#).

### [Kasparov and Others v. Russia \(No. 2\)](#)

13.12.2016

The case concerned the arrest of Garri Kasparov, the former World Chess Champion and political activist, along with another activist, Aleksandr Averin, at a protest rally in Moscow and the two men's ensuing detention.

### [Frumkin v. Russia](#)

05.01.2016

The case concerned a political rally at Bolotnaya Square in Moscow on 6 May 2012, held to protest against "abuses and falsifications" in the elections to the State Duma and the presidential elections.

Press release in [Russian](#).

### [Navalnyy and Yashin v. Russia](#)

04.12.2014

The case concerned the arrest of two well-known opposition leaders at a demonstration in December 2011, their subsequent detention and their conviction of an administrative offence.

[The Court further found that the applicants' punishment – for acts protected by Articles 10 and 11 of the Convention – had the potential to deter others from attending demonstrations or participating in open political debate.](#)

See press release in [Russian](#).

### [Nemtsov v. Russia](#)

31.07.2014

The case concerned the arrest and detention of Boris Nemtsov, a well-known opposition leader, following his participation in a political demonstration, and his subsequent conviction for an administrative offence.

[The Court found in particular that the interference with Mr Nemtsov's right to freedom of assembly had been arbitrary and that the proceedings against him had the serious potential to deter others from participating in demonstrations and open political debate.](#)

### [Alekseyev v Russia](#)

21.10.2010

The case concerned repeated unjustified ban on gay-pride marches in Moscow.

### [Church of Scientology Moscow v. Russia](#)

05.04.2007

Authorities' refusal to register a religious organisation.

### [Presidential Party of Mordovia v. Russia](#)

05.10.2004

Authorities' refusal to renew the registration of a political party.

### **Discrimination (Article 14)**

#### **[Bayev and Others v. Russia](#)**

20.06.2017

The case concerned a complaint brought by three gay rights activists about legislation in Russia banning the promotion of homosexuality, also known as the "gay propaganda law". In a series of legislative acts – most recently in 2013 – "promoting non-traditional sexual relationships" among minors was made an offence punishable by a fine. As a protest against these laws, the three activists had staged demonstrations between 2009 and 2012. They were subsequently found guilty of administrative offences and given fines.

[Violation of Article 10 \(freedom of expression\)](#)

[Violation of Article 14 in conjunction with Article 10](#)

#### **[A.H. and Others v. Russia](#)**

**(nos. 6033/13, 8927/13, 10549/13, 12275/13, 23890/13, 26309/13, 27161/13, 29197/13, 32224/13, 32331/13, 32351/13, 32368/13, 37173/13, 38490/13, 42340/13 and 42403/13)**

17.01.2017

The case concerns the ban on the adoption of Russian children by nationals of the United States of America. The applications were brought by 45 US nationals: both on their own behalf, and on behalf of 27 children who are Russian nationals.

[Violation of Article 14 taken in conjunction with Article 8 \(right to respect for private life\)](#)

#### **[Novruk and Others v. Russia](#)**

15.03.2016

The case concerned the entry and residence rights of HIV-positive non-Russian nationals.

[Violation of Article 14 read together with Article 8 \(right to private life and family\)](#)

[No violation of Article 34 \(right of individual petition\)](#)

#### **[Kiyutin v. Russia](#)**

10.03.2011

Refusal of a residence permit to a foreigner because he was HIV-positive.

[Violation of Article 14 taken in conjunction with Article 8 \(right to private and family life\)](#)

### **Protection of property (Article 1 of Protocol No. 1)**

#### **[Volchkova and Mironov v. Russia](#)**

28.03.2017

The case concerned the expropriation of a property situated in the town of Lyubertsy, near Moscow, for a private investment construction project. The applicants, owners of a plot of land and house in Lyubertsy, complained in particular that they had been deprived of their property solely for the benefit of a private investment project, a multi-storey block of flats, which had not pursued any social purpose, and that the compensation they had been awarded was derisory.

[Violation of Article 1 of Protocol No. 1](#)

### **Freedom of movement (Article 2 of Protocol No. 4)**

[Violations of Article 2 of Protocol No. 4](#)

#### **[Shioshvili and Others v. Russia](#)**

20.12.2016

The case concerned the expulsion from Russian territory of a heavily pregnant Georgian woman, accompanied by her four young children, in the autumn of 2006. The applicants complained that they had been collectively expelled from Russia, but then prevented from leaving the country for almost two weeks whilst being exposed to very poor conditions by the Russian authorities. Though the family did eventually reach Georgia, after arriving the pregnant mother gave birth to a still-born baby.

#### **[Cherepanov v. Russia](#)**

06.12.2016

The case concerned a travel ban imposed on Mr Cherepanov by the bailiff service in Moscow. At a time when Mr Cherepanov had not yet been informed of the ban, he had been stopped by border guards whilst trying to visit his child living in Italy. Mr Cherepanov complained that the ban had unlawfully violated his right to leave the country.

#### **[Khlyustov v. Russia](#)**

11.07.2013

The case concerned the applicant's complaint about a series of six-month

travel bans imposed on him by the bailiffs' service for his failure to pay a judgment debt to a private person.

**Soltysyak v. Russia**

10.02.2011

International travel ban on retired military officer due to his knowledge of state secrets.

**Karpacheva and Karpachev v. Russia**

27.01.2011

The applicants, mother and son, complained that the son, who is serving a prison sentence for drug dealing, could not take up permanent residence in Ozersk, a "closed" town in the Chelyabinsk Region where the Mayak nuclear fuel reprocessing plant is located, because of his criminal conviction.

**Tatishvili v. Russia**

22.02.2007

Authorities' refusal to certify applicant's residence at a chosen address substantially complicated her daily life and rendered uncertain her access to medical care.

**North Caucasus related cases**

**Abdulkhanov and Others v. Russia**

03.10.2013

The case concerned a Russian military strike on a village in Chechnya in February 2000, which killed 18 of the applicants' relatives.

Violation of Article 2 (right to life)

Violation of Article 13 (right to an effective remedy)

For the first time in a case concerning the armed conflict in Chechnya, the Russian Government acknowledged that there had been a violation of Article 2, both as regards the use of lethal force and as regards the authorities' obligation to investigate its circumstances.

**Turluyeva v. Russia**

20.06.2013

Concerned the disappearance of a young man after last having been seen at the premises of a police regiment in Grozny (Chechnya) in October 2009.

Three violations of Article 2 (right to life) on account of Sayd-Salekh Ibragimov's presumed death, on account of the State's failure to protect his life, and, on account of

the failure to conduct an effective investigation into his disappearance

Violation of Article 3 (prohibition of torture and of inhuman or degrading treatment), on account of Ms Turluyeva's suffering resulting from her inability to find out about what happened to her son

Violation of Article 5 (right to liberty and security), on account of Sayd-Salekh Ibragimov's unlawful detention

Violation of Article 13 (right to an effective remedy) in conjunction with Article 2

**Maskhadova and Others v. Russia**  
**Sabanchiyeva and Others v. Russia**

06.06.2013

Both cases essentially concerned the Russian authorities' refusal to return the bodies of the Chechen separatist President and insurgents to their families.

Violation of Article 8 (right to respect for private and family life) and Article 13 (right to an effective remedy) taken in conjunction with Article 8 and no violation of Article 14 (prohibition of discrimination) taken in conjunction with Article 8 in both cases as concerned the authorities' refusal to return to the applicants the bodies of their deceased relatives;

No violation of Article 2 (right to life and investigation) in the case of *Maskhadova and Others* as concerned the death of Aslan Maskhadov, the Chechen separatist President, or the investigation into his death

in the case of *Sabanchiyeva and Others* no violation of Article 3 (prohibition inhuman or degrading treatment) as concerned the conditions in which the bodies of the applicants' relatives had been stored for identification, and, no violation of Article 38 § 1 (a) (obligation to provide necessary facilities for the examination of the case).

**Aslakhanova and Others v. Russia**

18.12.2012

The case concerned the disappearances of eight men in Chechnya between March 2002 and July 2004, after having been arrested in a manner resembling a security operation.

The Court found in particular violations of Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment) and 5 (right to liberty and security).

It noted that it had regularly found violations of the same rights in similar

cases in more than 120 judgments, resulting from the disappearances in the Northern Caucasus since 1999. It concluded that the situation in the case of Aslakhanova and Others had resulted from a systemic problem of non-investigation of such crimes, for which there had been no effective remedy at national level.

The Court outlined two types of **general measures**, under Article 46 (binding force and execution of judgments), to be taken by Russia to address those problems: to alleviate the continuing suffering of the victims' families; and, to remedy the structural deficiencies of the criminal proceedings (corresponding strategy to be submitted to the Committee of Ministers without delay).

#### [Albekov and Others v. Russia](#)

09.10.2008

#### [Khamidov v. Russia](#)

15.11.2007

#### [Chitayev v. Russia](#)

18.01.2007

#### [Bazorkina v. Russia](#)

27.07.2006

#### [Estamirov and Others v. Russia](#)

12.10.2006

#### [Isayeva v. Russia](#)

24.02.2005

These are the first of a group of cases (about 210 judgments delivered so far and about 330 related cases pending) concerning events in Chechnya and in particular: indiscriminate use of lethal force, extra-judicial executions, unlawful detention, torture and ill-treatment, disappearances, damage to and destruction of property, landmines, restrictions on freedom of movement, and lack of effective domestic remedies.

In most of them at least one violation was found.

Violations of Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment), 5 (right to liberty and security), 6 (right to a fair hearing), 8 (right to respect for private and family life), 13, 38 § 1 (a) (obligation to furnish necessary facilities for the examination of the case) and Article 1 of Protocol 1 (protection of property)

### **Elections (Article 3 of Protocol No. 1)**

#### [Davydov and Others v. Russia](#)

30.05.2017

The case concerned allegations of serious irregularities in counting of votes in St Petersburg for the city and federal elections of December 2011, as well as a lack of effective review of those allegations. According to the applicants, the results for dozens of electoral precincts had been distorted in recounts which largely favoured the ruling party, *Yedinaya Rossiya* (ER).

Violation of Article 3 of Protocol No. 1 as concerned nine of the applicants, in so far as they had been denied effective examination of their complaints about serious irregularities in the procedure in which the votes had been recounted.

#### [Yabloko Russian United Democratic Party and Others v. Russia](#)

08.11.2016

The case concerned the decision by the Supreme Court of Karelia to cancel the registration of *Yabloko* candidates in the October 2006 elections for the Legislative Assembly of Karelia.

Violation of Article 3 of Protocol 1 in relation to the Karelian regional division of the *Yabloko* party, and one of its members

#### [Anchugov and Gladkov v. Russia](#)

04.07.2013

The case concerned two prisoners who complained in particular that their disenfranchisement had violated their right to vote and had prevented them from participating in a number of elections.

Violation of Article 3 of Protocol No. 1



### Pilot judgments<sup>1</sup>

#### [Gerasimov and Others v. Russia](#)

01.07.2014

The case concerned 11 applicants living in various regions of Russia from Vladivostok to Smolensk who were all victims of excessive delays in the enforcement of Russian court decisions granting them various benefits in kind (such as housing, housing maintenance and repair services, provision of a car for a disabled person, delivery of an administrative document, etc.). The Russian domestic law allowed no effective redress in respect of those complaints.

[Violation of Articles 6 \(right to a fair trial\) and 13 \(right to an effective remedy\), and Violation of Article 1 of Protocol No. 1 \(protection of property\)](#)

The Court also held that Russia had to set up, within one year from the date on which the judgment becomes final, an effective domestic remedy securing adequate and sufficient redress for the non-enforcement or delayed enforcement of judgments imposing obligations in kind on the Russian authorities.

As regards 600 other similar cases pending before it, the Court decided that Russia had to grant redress, within two years from the date on which the judgment becomes final, to all victims of delayed enforcement of judgments imposing obligations in kind who had lodged their applications with the European Court of Human Rights before today's judgment and whose cases were or will be communicated to the Russian Government. The Court also decided to adjourn, for a maximum of two years, the proceedings in all such cases pending the adoption of the above measures by the State.

<sup>1</sup> Since 2004 and in response to the large number of cases deriving from systemic or structural problems in certain countries the Court has developed a pilot-judgment procedure. This consists in identifying in a single judgment systemic problems underlying a violation of the European Convention on Human Rights and indicating in that judgment the remedial measures required to resolve such situations. The pilot-judgment procedure is not only intended to facilitate effective implementation by respondent states of individual and general measures necessary to comply with the Court's judgments, but also induces the respondent State to resolve large numbers of individual cases arising from the same structural problem at domestic level, thus reinforcing the principle of subsidiarity which underpins the Convention system.

#### [Ananyev and Other v. Russia](#)

10.01.2012

The case concerned the applicants' complaints that they had been detained in inhuman and degrading conditions in remand centres awaiting criminal trials against them.

[Violation of Articles 3 and 13 \(right to an effective remedy\)](#)

[Under Article 46 \(enforcement of the Court judgments\)](#), the Court held that the Russian Government had to:

- improve the material conditions of detention, by shielding the toilets in cells, removing thick netting from cell windows and increasing the frequency of showers;
- change the applicable legal framework, as well as practices and attitudes;
- ensure that pre-trial detention is only used in absolutely necessary cases;
- establish maximum capacity for each remand prison; and,
- ensure that victims can complain effectively about inadequate conditions of detention and that they obtain appropriate compensation.

[Russian version press release](#)

#### [Burdov \(N° 2\) v. Russia](#)

15.01.2009 [First pilot judgment](#)

Russia's non-compliance with domestic court decisions is the largest recurrent issue in all Russian applications concerning about one third of them. *Burdov No 2* is the first pilot judgment adopted in respect of Russia. It ordered the introduction of an effective domestic remedy in cases of non-enforcement of domestic judicial decisions and the settlement of similar cases pending before the Court.

[Violations of Articles 6 § 1 \(right to a fair trial\) and 13 \(right to an effective remedy\)](#)

[Decision on admissibility in post-Burdov No. 2 cases](#)

#### [Nagovitsyn and Nalgiyev v. Russia](#) [Fakhretdinov and Others v. Russia](#)

24.09.2010 (Decisions)

The cases concerned either the non-enforcement of domestic court judgments in the applicants' favour (Nagovitsyn and Nalgiyev) or the excessive length of court proceedings (Fakhretdinov and Others).

[The Court decided that the remedy adopted by Russia in response to the Burdov No. 2 pilot judgment had to be exhausted before](#)

[applying to the European Court of Human Rights. Applications: inadmissible. Russian version Press Release](#)

## Noteworthy cases, decisions delivered

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### [Dzhugashvili v. Russia](#)

09.12.2014

The case concerned articles published by the *Novaya Gazeta* newspaper about the shooting of Polish prisoners of war in Katyń in 1940 and the role which the former Soviet leaders had allegedly played in the tragedy. The applicant, the grandson of the former Soviet leader, Joseph Stalin, sued the newspaper for defamation of his grandfather, without success.

[Application declared inadmissible as manifestly ill-founded.](#)

## Noteworthy pending cases

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### Grand Chamber

#### **Murtazaliyeva v. Russia** **(no. 36658/05)**

The case concerns the applicant's complaint about the overall unfairness of criminal proceedings brought against her for preparing a terrorist attack.

Ms Murtazaliyeva alleges that the overall fairness of the criminal proceedings against her had been undermined because she had not been able to see or effectively examine the surveillance videotapes shown during the hearing on her case as she could not see the video screen in the courtroom; and because she had not been allowed to question in court the police officer whose actions, in her opinion, could be considered as police incitement or the two attesting witnesses, who could have clarified her allegations concerning the planting of the explosives in her bag. She relies on Article 6 §§ 1 and 3 (b) and (d) (right to a fair trial / right to adequate time and facilities for preparation of defence / right to obtain attendance and examination of witnesses) of Convention.

In its Chamber [judgment](#) of 9 May 2017, the Court held, unanimously, that there had been no violation of Article 6 §§ 1 and 3 (b) of the Convention, finding that Ms Murtazaliyeva had not been placed at a

serious disadvantage *vis-à-vis* the prosecution in respect of the viewing and examination of the surveillance videotapes. The Chamber further held, by four votes to three, that the refusal of the domestic court to call witness for the defence did not affect the overall fairness of the trial and that there had therefore been no violation of Article 6 §§ 1 and 3 (d) of the Convention in this respect. The Chamber lastly held, by five votes to two, that there had been no violation of Article 6 §§ 1 and 3 (d) of the Convention as regards the complaint concerning the absence of two attesting witnesses from the applicant's trial.

[Case referred to the Grand Chamber on 18 September 2017](#)

[Grand Chamber hearing on 14 February 2018](#)

#### **Z.A. and Others v. Russia** **(nos. 61411/15, 61420/15, 61427/15, and 3028/16)**

The case concerns complaints brought by four individuals from Iraq, the Palestinian territories, Somalia and Syria who were travelling via Moscow's Sheremetyevo Airport and were denied entry into Russia (three of the applicants ended up spending between five and eight months in the transit zone of the airport; one of the applicants, from Somalia, spent nearly two years in the zone).

Relying on Article 3 (prohibition of inhuman or degrading treatment) of the Convention, the applicants complain about the poor conditions of their detention in the transit zone where they had to sleep on a mattress in the constantly-lit and noisy boarding area of the airport, with no possibility to shower, and live on emergency rations provided by the UNHCR. They also allege that their confinement to the transit zone amounted to an unlawful deprivation of their liberty, in breach of Article 5 § 1 (right to liberty and security) of the Convention.

In its Chamber [judgment](#) of 28 March 2017, the Court held, by six votes to one, that there had been a violation of Article 5 § 1 (right to liberty and security) of the Convention, finding that the applicants' confinement in the transit zone, which had not been of their own choosing, had amounted to a deprivation of liberty and that there had been no legal basis for it under domestic law. The Chamber also held, by six votes to one, that there had been a violation of Article 3 (prohibition of

inhuman or degrading treatment) of the Convention, finding that the applicants had been detained for extended periods of time in unacceptable conditions, which had undermined their dignity, made them feel humiliated and debased, and therefore amounted to inhuman and degrading treatment.

Case [referred to the Grand Chamber on 18 September 2017](#)

[Grand Chamber hearing on 18 April 2018](#)

**Navalnyy v. Russia (nos. 29580/12, 36847/12, 11252/13, 12317/13 and 43746/14)**

The case concerns the arrest of Aleksey Navalnyy on seven occasions at different public gatherings, and his subsequent prosecution for administrative offences.

Relying on Article 11 (right to freedom of assembly) of the European Convention on Human Rights,

Mr Navalnyy complains that the authorities repeatedly interrupted peaceful, non-violent gatherings, by arresting, prosecuting and eventually convicting him. Relying on Article 5 (right to liberty), he complains that the seven arrests (and two instances of pre-trial detention) were unlawful and arbitrary deprivations of his liberty. Relying on Article 6 (right to a fair trial), he complains that the subsequent proceedings against him were all unfair. Finally, Mr Navalnyy relies on Article 14 (prohibition of discrimination), as well as Article 18 (limitation on the restriction of rights) taken in conjunction with Articles 5 and 11, to complain that the authorities' actions were politically motivated.

In its Chamber [judgment](#) of 2 February 2017, the European Court held, unanimously, that there had been a violation of Article 11 of the European Convention, finding that all seven arrests had been disproportionate reactions to peaceful political gatherings, undertaken without any assessment of whether they had been justified.

Case [referred to the Grand Chamber in May 2017](#)

[Grand Chamber hearing on 13 December 2017](#)

**Georgia v Russia (no. II)  
(no. 38263/08)**

The case concerns the August 2008 conflict in South Ossetia. In the context of a Rule 39 (Rules of Court) [request](#) by the Georgian

Government, on 12 August 2008 the Court considered that the situation gave rise to a real and continuing risk of serious violations of the Convention and requested both parties to comply with their obligations under the Convention, especially under Articles 2 (right to life) and 3 (prohibition of inhuman and degrading treatment and punishment).

The formal application was received by the Court and **communicated to the Russian Government** in February 2009

[Decision on admissibility](#) 19 December 2011

A [public hearing](#) took place in September 2011

A [witness hearing](#) took place in June 2016.

## Chamber

**Fedotova and Shipitko v. Russia (no. 40792/10), Chunosov and Yevtushenko v. Russia (no. 30538/14) and Shaykhraznova and Yakovleva v. Russia (no. 43439/14)**

[Communicated](#) to the Russian Government in May 2016

This case concerns the complaint by three same-sex couples that under Russian legislation they do not have the possibility to get married or enter into any other type of legally-recognised and protected union.

The applicants rely on Articles 8 (right to respect for private and family life) and 14 (prohibition of discrimination) of the Convention.

**Alekseyev and Movement for Marriage Equality v. Russia and Alekseyev and Others v. Russia (nos. 35949/11 and 58282/12)**

[Communicated](#) to the Russian Government in March 2016

These two cases concern refusals to register associations defending the rights of homosexuals.

In both cases, the applicants reply on Articles 11 (freedom of assembly and association) and 14 (prohibition of discrimination) of the Convention. Concerning the second case, the applicants rely on Article 6 § 1 (right to a fair trial) of the Convention.

## **Orlov and Memorial v. Russia (no. 48557/10)**

[Communicated](#) to the Russian Government in January 2016

The application concerns a statement published by the first applicant on the second applicant's official website in connection with the abduction and murder of Ms Natalia Estemirova, a human rights activist and campaigner who had worked many years in the Chechen Republic as the chief officer of the second applicant. The statement was prepared and published shortly after the police had found Ms N. Estemirova's body. According to the statement, the President of the Chechen Republic, Mr R. Kadyrov, had intimidated her and was guilty of her murder. Following the publication, Mr R. Kadyrov successfully sued the applicants for defamation. The courts found that the applicants had disseminated untrue and therefore defamatory expressions regarding Mr R. Kadyrov and ordered them to publish a disclaimer and to pay compensation for non-pecuniary damage in the amount of RUB 20,000 (EUR 454.24) and RUB 50,000 (EUR 1,135.59) respectively.

The applicants complain under Article 10 of the Convention that their right to freedom of expression was violated. They claim, in particular, that the interference was not lawful, because Article 152 of the Civil Code of Russia made no distinction between statements of fact and value judgments. They also claim that the interference was not "necessary in a democratic society" because the domestic courts failed to examine the case in line with the requirements of Article 10 of the Convention and because the interference was disproportional to the legitimate aim pursued.

## **Other noteworthy pending cases**

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### **Chamber**

#### **Inter-State applications concerning the events in Crimea and Eastern Ukraine**

There are currently five inter-State applications lodged by Ukraine against Russia pending before the Court. Further details of the first two applications are set

out in a [press release](#) issued by the Court on 26 November 2014.

***Ukraine v. Russia (no. 20958/14)***, lodged on 13 March 2014, concerns the events leading up to and following the assumption of control by the Russian Federation over the Crimean peninsula from March 2014 and subsequent developments in Eastern Ukraine up to the beginning of September 2014. Application communicated on 20 November 2014.

***Ukraine v. Russia (II) (no. 43800/14)***, lodged on 13 June 2014, concerns the alleged abduction of three groups of children in Eastern Ukraine and their temporary transfer to Russia on three occasions between June and August 2014. Application communicated on 20 November 2014.

***Ukraine v. Russia (IV) (application no. 42410/15)***, lodged on 27 August 2015, concerns the events in Crimea and Eastern Ukraine mainly as from September 2014. Application communicated on 29 September 2015. [Voir communiqué de presse](#).

On 9 February 2016 the Court decided, with a view of making the processing of the case more efficient, to divide the first inter-State application according to geographical criteria - all the complaints related to the events in Crimea up to September 2014 are currently registered under the case number 20958/14 *Ukraine v. Russia*; the complaints concerning the events in Eastern Ukraine up to September 2014 are now registered under the case ***no. 8019/16 Ukraine v. Russia (V)***.

The same rule was applied in respect of the case ***no. 42410/15 Ukraine v. Russia (IV)***. Following the Court's decision of 25 November 2016 all the complaints related to the events in Crimea from September 2014 onwards are currently registered under the ***case no. 42410/15 Ukraine v. Russia (IV)***; the complaints concerning the events in Eastern Ukraine from September 2014 are now registered under the case ***no. 70856/16 Ukraine v. Russia (VI)***.

Another inter-State application, ***Ukraine v. Russia (III) (no. 49537/14)***, was struck out of the Court's list of cases on 1 September 2015. The decision was adopted after the Government of Ukraine had informed the Court that they did not wish to pursue the application, given that

an individual application (**no. 49522/14**) ***Dzhemilov v. Ukraine and Russia*** concerning the same subject matter was pending before the Court. The case concerned the deprivation of liberty and the alleged ill-treatment of a Ukrainian national belonging to the Crimean Tatars ethnic group, in the context of criminal

proceedings conducted against him by the Russian authorities.

In addition to the inter-State applications, **almost 3,700 individual applications** apparently related to the events in Crimea or the hostilities in Eastern Ukraine are pending before the Court.

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