



# Russia

## Ratified the European Convention on Human Rights in 1998

### National Judge: Anatoly Kovler

[Judges' CVs](#) are available on the ECHR Internet site; Previous Judge: Vladimir Toumanov (1997-1998)

Applications processed in	2008	2009	2010	2011
Applications allocated to a judicial formation	10126	13638	14305	7617
Communicated to the Government	824	1025	716	263
Applications decided:	3250	7536	7341	5283
- Declared inadmissible or struck out (Single Judge)	0	0	3310	4892
- Declared inadmissible or struck out (Committee)	2864	6798	3253	65
- Declared inadmissible or struck out (Chamber)	117	163	348	177
- Decided by judgment	269	575	430	149
Interim measures:	60	51	77	64
- Granted	7	9	17	6
- Refused (including out of scope)	53	42	60	58

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

Applications pending before the court on 22/07/2011	
Total pending Applications*	46259
Applications pending before a judicial formation:	42480
Single Judge	37898
Committee (3 Judges)	78
Chamber (7 Judges)	4500
Grand Chamber (17 Judges)	4

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

## Russia and ...

### Its contribution to the Court's budget

For 2011 the Court's budget amounts to just over 58.9 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 2011 contribution of Russia to the Council of Europe's (EUR 211.4 million) budget is **EUR 24 654 554**.

### 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 **640** Registry staff members of whom **50** are Russian.

**At the end of 2010, the Court had delivered 1079 judgments in respect of Russia, of which more than 1019 found at least one violation of the European Convention on Human Rights, primarily of Article 6 (right to a fair trial), Article 1 of Protocol No. 1 (protection of property) and Article 5 (right to liberty and security), and 39 found none.**

## Noteworthy cases, judgments delivered

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### Grand Chamber

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

02.11.2010

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 concerns 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

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 or decisions delivered

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### Chamber

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

10.01.2012

Pilot judgment<sup>1</sup>

[Russian version press release](#)

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

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,

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<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.

- ensure that victims can complain effectively about inadequate conditions of detention and that they obtain appropriate compensation.

In order to achieve the above, the Russian authorities had to produce, in co-operation with the Committee of Ministers of the Council of Europe, within six months from the date on which the judgment becomes final, a binding time frame for resolving the problems. They also had to provide redress, including by granting accelerated settlement to all cases brought by victims of inhuman or degrading conditions of detention in Russian remand prisons, within 12 months from the date on which today's judgment becomes final (for those cases already communicated) or from the date of communication (new cases).

### **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 (right to life) 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.

### **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, which is not final<sub>1</sub> and which does not deal with the question of the award of damages and costs, 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)** of the European Convention on Human Rights, 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.

### **Khodorkovskiy v. Russia**

[Russian version press release](#)

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 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;

One 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;  
One 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.

#### **Kiyutin v. Russia**

10.03.2011

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

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

#### **Soltysyak v. Russia**

10.02.2011

International travel ban on retired military officer due to his knowledge of state secrets  
Violation of Article 2 of Protocol No. 4 (freedom of movement)

#### **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.

Violation of Article 2 of Protocol No. 4

#### **Alekseyev v Russia**

21.10.2010

Repeated unjustified ban on gay-pride marches in Moscow  
Violation of Article 11 (freedom of assembly and association) and 14 (prohibition of discrimination)

#### **Iskandarov v. Russia**

23.09.2010

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

Violation of Articles 3 and 5

#### **Decision on admissibility in post-Burdov No2 cases**

#### **Nagovitsyn and Nalgiyev v. Russia (decision)**

#### **Fakhretdinov and Others v. Russia (decision)**

24.09.2010

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](#)

#### **Burdov (N° 2) v. Russia**

15.01.2009

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 \(right to an effective remedy\)](#)

#### **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

Violation of Article 2 (right to life) for failure to conduct effective investigation by Cyprus  
No violation of Article 2 by Russia

Violations of Article 4 (prohibition of slavery and forced labour) by Cyprus and Russia

Violation of Article 5 (right to liberty and security) by Cyprus

**Inhuman or degrading treatment :**

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

29.07.2010

Severe torture in police custody and failure to investigate it effectively  
[Four violations of Article 3](#)

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

13.07.2010

State intimidated applicant who complained about police brutality to the European Court of Human Rights  
[Violation of Articles 3 and 34 \(right of individual petition\)](#)

**[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  
[Violation of Article 3](#)

**[Klein v Russia](#)**

01.04.2010

Applicant, criminally convicted in Colombia, arrested in Russia upon an Interpol notice.  
[If applicant extradited to Colombia, Russia would be in violation of Article 3](#)

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

22.12.2008

Court ordered discontinuing of applicant's pre-trial detention due to his grave illness.  
[Violation of Article 3](#)

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

07.06.2007

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

[Violation of Article 3 as a result of extradition to Turkmenistan](#)  
[Violation of Article 5 \(right to liberty and security\)](#)

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

26.01.2006

Torture in police detention  
[Violation of Article 3 \(prohibition in inhuman or degrading treatment\)](#)

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

15.07.2002

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

[Violation of Article 3 \(prohibition of torture\)](#)

Several such cases were communicated to the Russian Government in March 2009 asking whether that was a systemic problem (see [Ananyev and others v. Russia](#)).

**Freedom of Expression (article 10)**

**[Pasko v Russia](#)**

22.10.2009

Military journalist criminally convicted and sentenced to imprisonment for treason.  
[No violation of Article 10 \(freedom of expression\)](#)

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

26.02.2009

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

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

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

21.07.2005

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

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

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

12.06.2008

Excessive length of detention pending trial  
[Violation of Article 5 § 3 \(right to liberty and security\)](#)

**[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.

[Violation of Article 6 § 1 \(right to a fair hearing\)](#)

[Violation of Article 8 \(right to respect for private and family life\) on account of the complete deprivation of his legal capacity](#)  
[Violations of Article 5 §§ 1 and 4 \(right to liberty and security\) concerning his confinement in and inability to obtain release from a psychiatric hospital](#)

A failure by the Russian Government to comply with its obligations under Article 34 (right of individual petition) as it had hindered the applicant's access to the European Court of Human Rights

**Budayeva and Others v. Russia**

20.03.2008

State's failure to protect residents of Tyrnauz hit by a succession of mudslides  
Violation of Article 2 (right to life)

**Church of Scientology Moscow v. Russia**

05.04.2007

Authorities' refusal to register a religious organisation  
Violation of Article 11 (freedom of assembly and association) read in the light of Article 9 (freedom of thought, conscience and religion)

**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.  
Violation of Article 2 of Protocol No. 4 (freedom of movement)

**Chechnya-related cases :**

**Isayeva v. Russia**

24.02.2005

**Estamirov and Others v. Russia**

12.10.2006

**Chitayev v. Russia**

18.01.2007

**Bazorkina v. Russia**

27.07.2006

**Khamidov v. Russia**

15.11.2007

**Albekov and Others v. Russia**

09.10.2008

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)

**Fadeyeva v. Russia**

09.06.2005

The case concerned severe environmental pollution and the right of the applicant to be relocated from the area upon a court order.

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

**Klyakhin v. Russia**

30.11.2004

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

Violation of Article 8 (right to respect for correspondence) and Article 34 (right of individual petition)

**Presidential Party of Mordovia v. Russia**

05.10.2004

Authorities' refusal to renew the registration of a political party

Violation of Article 11 (freedom of association)

**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): this is the second major issue in terms of numbers of applications lodged and violations found; it concerns hundreds of cases.

Violation of Article 6 § 1 (right to access to a court)

**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 (freedom of thought, conscience and religion) and 1 of Protocol No. 7 (procedural safeguards relating to expulsion of aliens)

**Fair trial :**

**[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

[Violation of Article 6 § 1 and Article 1 of Protocol No 1](#)

**[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.

[Violation of Article 6 § 3 \(c\) \(right to a fair trial\)](#)

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

29.01.2004

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

[Violation of Articles 6 § 1 \(right to a trial within a reasonable time\) and 13 \(right to an effective remedy\)](#)

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**Noteworthy pending cases**

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**[Georgia v. Russia \(No. I\)](#)**

**Communicated to the Russian Government** in June 2007.

**Declared admissible** in June 2009

**Witness hearing held in February 2011**

The case concerns the alleged harassment of the Georgian immigrant population in the Russian Federation following the arrest in Tbilisi on 27 September 2006 of four Russian service personnel on suspicion of espionage against Georgia.

Complaints under Articles 3 (prohibition of inhuman and degrading treatment and punishment), 5 (right to liberty), 8 (right to respect for private and family life), 13 (right to an effective remedy), 14 (prohibition of discrimination), 18 (limitation on the use of restrictions on rights) of the Convention; Articles 1 (protection of property) and 2 (right to education) of Protocol No. 1; Article 4 (prohibition of collective expulsion of aliens) of Protocol No. 4 and Article 1 (procedural safeguards relating to expulsion of aliens) of Protocol No. 7.

**[Georgia v. Russia \(No. II\)](#)**

The formal application was received by the Court and **communicated to the Russian Government** in February 2009. A [public hearing](#) took place in September 2011.

**[Decision on admissibility](#)** 19 December 2011

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).

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

[Communicated to the Government in October 2008](#)

Relatives of Polish officers imprisoned and executed by the former Soviet Union (USSR) in 1940 complained to the Court under Articles 6 and 13 that they were denied access to the investigation in the "Katyń" case.

**Declared partially admissible in July 2011:** the Court declared admissible two complaints concerning the criminal investigations in the 1990s into the deaths of 12 Polish men in the context of the Katyń massacre in the USSR.

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

**Declared admissible** in November 2008

The case concerns the authorities' refusal to return the bodies of presumed terrorists to their relatives.

**[Konstantin Markin v. Russia](#)**

**Case pending before the Grand Chamber**

[Grand Chamber hearing 08.06.2011](#)

Refusal to grant serviceman parental leave, unlike their female counterparts

[The chamber judgment found a violation of Article 14 in conjunction with Article 8](#)

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