

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES



Contact: Abel de Campos
Tel: 03 88 41 26 48

Date: 22/10/2013

DH-DD(2013)1138

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1186 meeting (3-5 December 2013) (DH)

Item reference: Communication from the authorities (15/10/2013)

Communication from the Russian Federation concerning the case of Kolpak against Russian Federation (Application No. 41408/04).

Information made available under Rule 8.2.a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1186 réunion (3-5 décembre 2013) (DH)

Référence du point : Communication des autorités

Communication de la Fédération de Russie relative à l'affaire Kolpak contre Fédération de Russie (Requête n° 41408/04) (**anglais uniquement**).

Informations mises à disposition en vertu de la Règle 8.2.a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

Information
on the execution of the judgment of the European Court of Human Rights
in case no. 41408/04 *Kolpak v. Russia*
(judgment of 13 March 2012, final on 13 June 2012)

Violation

The European Court of Human Rights found a procedural violation of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms due to shortcomings in the investigation of the complaint about ill-treatment lodged by the applicant.

Individual Measures:

1. Just Satisfaction



Applicant	Pecuniary damage	Non-pecuniary damage	Legal costs and expenses	Total
Sergey Mikhailovich Kolpak		EUR 10,000	EUR 550	EUR 10,550
The payment was fully paid on 23.07.12 in roubles according to the exchange rate at the date of the payment (payment order no. 406308 for the amount of RUB 415,901.05).				

2. According to the Saint Petersburg City Court, neither the applicant nor his representatives lodged any complaints with domestic courts in connection with the entry into force of the Court's judgment.

3. On 5 December 2012, Supreme Court quashed the Prosecutor's decision of 14 May 2003 not to institute criminal proceedings pursuant to the complaint by S.M. Kolpak about ill-treatment.

It also quashed the previous court decisions, which found refusal to institute criminal proceedings lawful and well-grounded.

Supreme Court ordered the officials authorized to carry out the pre-trial investigation to eliminate the existing shortcomings.

4. The Committee of Ministers of the Council of Europe will be informed on the further development of the situation.

General Measures:

1. The Russian authorities work on solving the problem of failure to ensure effective investigation of the complaints about ill-treatment within the enforcement of the judgments of the Court in the Mikheyev group of cases.

2. The copy of the judgment of the Court in application "Kolpak v. Russia" was forwarded to the competent state bodies: the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation, the Prosecutor General's Office of the Russian Federation, Investigative Committee of the Russian Federation, the Saint Petersburg City Court, the Ministry of the Interior of the Russian Federation

for implementation into practice and taking general and individual measures in accordance with the competencies.

The said authorities communicated the judgment of the European Court to their subordinate institutions, accompanied by the necessary instructions.

3. The text of the Court's judgment on application *Kolpak v. Russia* was published in Russian on the official website of the Ministry of Justice of the Russian Federation, and in English in the *Consultant Plus* legal reference system. Information on the judgment was also published in Russian in the *Garant* legal reference system.