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Meeting: 1259 meeting (7-9 June 2016) (DH)

Item reference: Action plan (29/03/2016)

Communication from the Russian Federation concerning the case of Lyapin (Mikheyev group) against Russian Federation (Application No. 46956/09)

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Réunion : 1259 réunion (7-9 juin 2016) (DH)

Référence du point : Plan d'action

Communication de la Fédération de Russie concernant l'affaire Lyapin (groupe Mikheyev) contre Fédération de Russie (Requête n° 46956/09) (**anglais uniquement**)

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**ACTION PLAN**  
**on execution of the judgment of the European Court of Human Rights**  
**in case no. 46956/09 *Lyapin v. Russia* (judgment of 24 July 2014,**  
**final on 24 October 2014)**

**Violation**

In judgment *Lyapin v. Russia* the European Court of Human Rights found a violation by the Russian authorities of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms on account of ill-treatment of S.V. Lyapin by the police officers and failure to ensure the effective investigation of the matter.

**Individual Measures:**

**1. Just Satisfaction**

1.	S.V. Lyapin	EUR 45,000	The amount was fully and timely paid on 17 December 2014 in roubles according to the exchange rate at the date of the payment (payment order no. 744007 in the amount of RUB 3 426822.00).
2.	O.A. Sadovskaya	EUR 3,715	The amount was fully paid on 12 November 2015 in roubles according to the exchange rate at the date of the payment (payment order no. 459495 in the amount of RUB 257 224.37). The amount excluded default interest because the applicant failed to submit the required documents in time.

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2. Pursuant to the European Court's judgment, the Russian authorities took the following measures to rectify the found shortcomings of the investigation, to identify and punish the perpetrators.

2.1. The shortcomings relating to the length of pre-investigation inquiry under S.V. Lyapin's allegations of ill-treatment can not be rectified any more.

The relevant findings of the European Court however will be taken into practical consideration by investigative bodies, supervising prosecutors and courts.

2.2. The Court noted that investigating authorities issued 10 decisions on refusal to initiate criminal proceedings, 9 of which were quashed due to incomplete verification activities, and that the findings about the causes of the applicant's injuries had been contradictory and insufficiently substantiated. Attention was drawn to the fact that long-term failure to institute criminal proceedings did not allow to carry out all required investigative actions in relation to this case in the framework of pre-investigation - interrogations, cross-examinations, identification, search activities.

In this regard, after the European Court's judgment, according to the results of examination of the files of procedural inquiry at the Headquarters of the Investigative Committee, the decision of 24 December 2009 on refusal to institute criminal proceedings on the application of V.S. Lyapin was quashed due to insufficient verification activities, contradictory and insufficiently substantiated findings of the investigating authorities on the causes of the applicant's injuries.

In view of the above, the head of the Investigative Department of the Investigative Committee for the Nizhniy Novgorod region was instructed to take comprehensive measures to investigate the circumstances of the events occurred in full and address shortcomings of investigation found by the European Court as soon as possible.

Upon receipt of additional responses the required information will be forwarded to the Committee of Ministers of the Council of Europe.

**2.3.** The European Court further noted that the shortcomings of the said pre-investigation inquiries were not subsequently eliminated by the courts of the Nizhniy Novgorod region, which issued contradictory judgments on appeals against decisions not to institute criminal proceedings without proper examination and verification of the case files.

In this regard, on 20 January 2016 the Presidium of the Supreme Court quashed all previous judgments of the Dzerzhinsky City Court of the Nizhniy Novgorod region and the Nizhniy Novgorod regional court on the applicant's appeals against investigators' decisions not to institute criminal proceedings.

### **General Measures:**

**1.** Work on prevention of torture and other ill-treatment in the police and ensuring effective investigations into ill-treatment of detainees is being carried out by the Russian authorities in the context of execution of judgments in *Mikheyev group of cases*.

**2.** The European Court's judgment in the case *Lyapin v. Russia* was forwarded to the Constitutional Court and the competent state authorities (the Supreme Court, the Prosecutor General, the Nizhniy Novgorod Regional Court, the Investigative Committee, the Ministry of the Interior of Russia) for practical consideration and application of measures under their jurisdiction to prevent similar violations in future.

The said competent state authorities forwarded a copy of the Court's judgment to their structural divisions and territorial bodies along with the required instructions for practical consideration of the Court's legal position.

**3.** The text of the Court's judgment in the case *Lyapin v. Russia* was published in Russian on the internal website of the Supreme Court in the "Departmental outline" section, on the official websites of the General Prosecutor's Office, the Investigative Committee and the Ministry of Justice, as well as in the section Judicial Practices of STRAS "Yurist" automated information retrieval system of the Russian Interior Ministry. The text of the said Court's judgment in English is posted in the legal reference systems *Consultant Plus* and *Garant*.