

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES



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

Item reference: Action report (26/04/2016)

Communication from the Russian Federation concerning the case of Yuriy Rudakov (Klyakhin group) against Russian Federation (Application No. 48982/08)

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

Référence du point : Bilan d'action

Communication de la Fédération de Russie concernant l'affaire Yuriy Rudakov (groupe Klyakhin) contre Fédération de Russie (Requête n° 48982/08) (**anglais uniquement**)

DGI

26 AVR. 2016

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

ACTION REPORT
on the execution of the judgment of the
European Court of Human Rights in case
no. 48982/08 *Yuriy Rudakov v. Russia*
(judgment of 15 January 2015, final on 15 April 2015)

Violation

In the case *Yuriy Rudakov v. Russia*, the European Court of Human Rights found a violation of Article 5 §§ 1 and 3 of the Convention in connection with unlawful and excessively long detention of Yu.I. Rudakov.

Individual Measures:

1. Just satisfaction.

Applicant	Pecuniary damage	Non-pecuniary damage	Legal costs and expenses	Total
Yuriy Ignatievich Rudakov		EUR 20,000	EUR 2,100	EUR 22,100
Compensation was not paid, because Yu. I. Rudakov died prior to the judgment of the European Court (16 October 2012), which was confirmed by the letter of the applicant's representative. There is no information on the applicant's successors both in the case file and the judgment of ECHR. As of 20 April 2016, there were no claims on the side of the applicant's successors for payment of the compensation due to Yu.I. Rudakov. However, in case the applicant's successors apply for payment and provide the documents proving their inheritance right, the payment will be made in due course.				

2. Due to the fact that the European Court found unreasonably long detention of Yu.I. Rudakov, on the request of the Chairman of the Supreme Court the Presidium of the Supreme Court declared unlawful and quashed all earlier decisions extending the term of the applicant's detention.

General Measures:

1. The adoption of general measures to solve problem of unlawful and excessive length of detention and prevention of further relevant violations is being carried out in the framework of execution of judgments in *Klyakhin* group of cases and of the "pilot" judgment in case *Ananyev and others v. Russia*.

2. The Court's judgment in the case of *Yuriy Rudakov v. Russia* was forwarded to the Constitutional Court of the Russian Federation and to the competent state authorities (the Supreme Court, the General Prosecutor's Office, the Belgorod Regional Court, the Ministry of Internal Affairs, Investigative Committee and the Federal Drugs Control Service) for taking into account in practice and adopting

measures to prevent similar violations in the future in accordance with the jurisdiction.

The named competent state authorities communicated copies of the European Court's judgment to their structural subdivisions and territorial agencies with necessary instructions to take into account the European Court's legal positions in their practice.

3. The text of the Court's judgment in *Yuriy Rudakov v. Russia* was published in Russian on the official websites of the Prosecutor General's Office, Investigative Committee of Russia, in the "case-law" section of the STRAS "Lawyer" automated information retrieval system of the Ministry of Internal Affairs, on the Supreme Court's internal website (accessible to all the courts of general jurisdiction in Russia), in "Consultant Plus" legal reference system. The information about this judgment was published in Russian in "Garant" legal reference system.

Conclusion:

The Russian authorities believe that there are no grounds to apply any other individual measures under the circumstances of the present case, and, therefore, the Russian authorities have fulfilled their obligations under Article 46 of the Convention and the Committee of Ministers' of the Council of Europe supervision of issue in this parts may be ceased.