

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES



Contact: Clare Ovey
Tel: 03 88 41 36 45

Date: 11/05/2016

DH-DD(2016)604

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

Item reference: Action plan (04/05/2016)

Communication from the Russian Federation concerning the case of Aleksandr Shevchenko (Klyakhin group) against Russian Federation (Application No. 48243/11)

* * * * *

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 : 1259 réunion (7-9 juin 2016) (DH)

Référence du point : Plan d'action

Communication de la Fédération de Russie concernant l'affaire Aleksandr Shevchenko (groupe Klyakhin) contre Fédération de Russie (Requête n° 48243/11) (**anglais uniquement**)

ACTION PLAN
on the execution of the judgment of the
European Court of Human Rights in case
no. 48243/11 *Aleksandr Shevchenko v. Russia*
(judgment of 23 July 2015, final on 14 December 2015)

Violation

In its judgment *Aleksandr Shevchenko v. Russia* the European Court of Human Rights found the violation by the Russian authorities of Article 5 §3 and §4 of the Convention in connection with repeated unsubstantiated application by courts of a measure of restraint in the form of detention in respect of A.N. Shevchenko, as well as lengthy consideration of his cassational appeals against judgments extended term of detention.

Individual Measures:

1. Just satisfaction.

Applicant	Pecuniary damage	Non-pecuniary damage	Legal costs and expenses	Total
Aleksandr Nikolayevich Shevchenko		EUR 6,500		EUR 6,500
The amount was fully paid on 24 December 2015 in roubles according to the exchange rate as of the date of the payment (payment order no. 565858 in the amount of RUB 504,037.95).				

2. At present A.N. Shevchenko is not in detention and is free (he was released on parole from serving the sentence).

3. Due to the fact that the Court found unreasonably long detention of A.N. Shevchenko, as well as lengthy consideration of his cassational appeals against judgments extended term of detention, the Supreme Court planned to consider making recommendation for resumption of proceedings in A.N. Shevchenko's criminal case on new circumstances (in part relating to judgments on extension of the term of applicant's detention).

Neither the applicant nor his representatives brought any complaints before the court in connection with the entry into force of the Court's judgement.

General Measures:

1. The adoption of general measures to solve problem of excessive length of detention, non-compliance with the requirements to the consideration of an appeal against a detention order 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 case *Aleksandr Shevchenko 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 Astrakhan Regional Court, the Federal Penitentiary 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 case *Aleksandr Shevchenko v. Russia* was published in Russian on the official websites of the Ministry of Justice and the General Prosecutor's Office, 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.