

SECRETARIAT GENERAL

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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)

Communication from the applicant's representative (25/05/2016) in the case of Pichugin (Klyakhin group) against Russian Federation (Application No. 38623/03).

Information made available under Rule 9.1 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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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)

Communication du représentant du requérant (25/05/2016) dans l'affaire Pichugin (groupe Klyakhin) contre Fédération de Russie (Requête n° 38623/03) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.1 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

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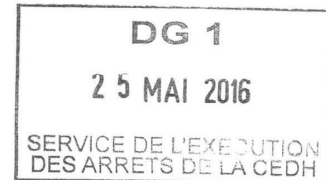
The Secretariat

DG I, Department for the Execution of ECHR Judgments

Council of Europe

F67075 Strasbourg CEDEX

By email and registered post



24 May 2016

Dear Sirs,

Execution of the Judgment of the European Court of Human Rights in the Case of A.V. Pichugin v Russia (Application No 38623/03), which became final on 19 March 2013

Submission under Rule 9 of the Rules of the Committee of Ministers

We refer to the information provided on 1 December 2015 in respect of the above case under Rule 9(1) concerning Mr Pichugin, who is imprisoned in Prison No 6 in Orenburg Region, Russia.

During a visit to Prison No 6 on 10 September 2015 by Mikhail Fedotov, Chairman of the Council for Civil Society Affairs and Human Rights attached to the President, accompanied by other members of the Council, Mr Fedotov recommended to Mr Pichugin to apply for a pardon and stated that the Council was prepared to endorse such an application. On 27 November 2015 Mr Pichugin followed that suggestion and applied for a pardon under Article 85 Criminal Code, without any admission of guilt. He also requested the support of the Council for that application.

Accordingly we would now provide the further factual information:

Time line for determining a pardon request under Russian law

Issues of examining pardon requests in the Russian Federation are regulated by Presidential Decree No. 1500 given on 28 December 2001 "On Commissions on Pardon Issues within Territories of Russian Federation Subjects" (Garant system: <http://base.garant.ru/12125251/#ixzz48z16lcTC>). The Decree enacted the Regulation on the Procedure for Examining Pardon Requests in the Russian Federation (the Regulation) (Garant system: <http://base.garant.ru/12125251/#ixzz48z1tmEVy>).

1. The request for a pardon is filed by the petitioner through the prison administration.

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2. The prison administration puts together a letter of reference and other documents for the petitioner and sends them to the regional Federal Penitentiary Administration. This step has to be taken no later than 20 days after the pardon request is filed by the petitioner (Art. 5 of the Regulation).
3. Within 7 days of receipt, the regional Federal Penitentiary Administration presents the pardon request and the supporting materials to the regional Pardon Commission, and notifies the Federal Penitentiary Administration of this step (Art. 7 of the Regulation).
4. On a monthly basis, no later than the 15th of each month, the Federal Penitentiary Administration presents to the Presidential administration information on pardon requests which have been filed (Art. 7 of the Regulation).
5. Within 30 days of receiving the material from the Federal Penitentiary Administration, the regional Pardon Commission presents to the Orenburg Region Governor (since the Correctional Facility No. 6, the Federal State Institution where Mr Pichugin is imprisoned, is located in Orenburg Region) an opinion on the feasibility of applying the Pardon Act (Art. 8 of the Regulation).
6. No later than 15 days after receiving the regional Pardon Commission's opinion, the Orenburg Region Governor sends a recommendation to the President of the Russian Federation (Art. 9 of the Regulation).
7. There is no set deadline for the President to determine the pardon request.

Accordingly, following these steps provided for in the relevant legislation, the minimum time within which Mr Pichugin's pardon request would be delivered to the Presidential administration is 72 days after filing the request.

In view of the forthcoming 1259th meeting of the CM-DH, we would be grateful if this information could be provided to the Respondent Government and other delegations to the Committee of Ministers promptly.

Yours faithfully,

PP J.P. Gardner
Attorney K.L. Kostromina

J.P. Gardner

Piers Gardner, Barrister