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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: 1324th meeting (September 2018) (DH)

Communication from the applicant (17/07/2018) in the case of Bayev and Others v. Russian Federation (Application No. 67667/09)

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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Réunion : 1324^e réunion (septembre 2018) (DH)

Communication du requérant (17/07/2018) dans l'affaire Bayev et autres c. Fédération de Russie (Requête n° 67667/09) (**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.



COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE
17 July 2018

RE: Implementation of the European Court of Human Rights judgment in the case of Bayev and Others v. Russia, applications nos. 67667/09, 44092/12 and 56717/12, judgment of 20/06/2017, final on 13/11/2017

SUBMISSION with regard to payment of the just satisfaction and the taking of individual measures in the above mentioned case in accordance with 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

Dear Sir/Madam,

The European Court of Human Rights judgment in the case of Bayev and Others v. Russia came into force on 13 November 2017. This letter is aimed to inform the Committee of Ministers that at the expiry of the three months period the Government of the Russian Federation had not paid the just satisfaction to the applicant Mr. Nikolay Alekseyev awarded by the Court in the instant case. The compensation payment deadline is already missed by the Government by more than five months.

Mr. Alekseyev informed the Government of the Russian Federations by several recorded delivery letters that he is not anymore resident of the Russian Federation. The applicant, while keeping his Russian nationality, became a citizen of the Swiss Confederation in December 2016 and is currently a resident of Geneva. Therefore, the applicant in the instant case provided the details of his Swiss bank account to the Russian Government for the payment of the just satisfaction. The Government refused on several occasions giving reference to the Russian Federal Law on currency control according to which all the citizens of the Russian Federation are automatically considered as Russian residents while the financial transactions between the State and the Russian residents are forbidden. It should be noted that this law did not prevent the Russian Government to pay the compensation in the present case to another applicant, Mr. Aleksey Kiselev, to his account in the Spanish bank, despite the fact that, unlike Mr. Alekseyev, he only has the Russian nationality.

This letter is also to inform the Committee of Ministers that both of the applicants asked the Arkhangelsk Regional Court to review their cases on administrative offences in Arkhangelsk in 2012 with the reference to the European Court judgment in the instant case. On 9 February 2018 and 6 March 2018, the deputy head of the Arkhangelsk Regional Court dismissed the extraordinary appeals of Mr. Alekseyev and Mr. Kiselev respectively stating that their prosecution on the basis of the so called "gay propaganda laws" was justified and lawful (see attachments 1 and 2). Both applicants asked the Supreme Court of the Russian Federation to review their cases on administrative offences in Arkhangelsk in 2012 with the reference to the European Court judgment in the instant case. On 18 and 24 April 2018 the judges of the Supreme Court of the Russian Federation dismissed the extraordinary appeals of Mr. Alekseyev and Mr. Kiselev respectively stating that

their prosecution on the basis of the so called “gay propaganda laws” was justified and lawful (see attachments 3 and 4).

The applicant Mr. Alekseyev also asked the St. Petersburg City Court to review his case on administrative offence in St. Petersburg in 2012 with the reference to the European Court of Human Rights judgment in the instant case. On 16 March 2018 the deputy head of the St. Petersburg City Court dismissed the extraordinary appeal of Mr. Alekseyev stating that his prosecution on the basis of the so called “gay propaganda laws” was justified and lawful (see attachment 5). The applicant Mr. Alekseyev asked the Supreme Court of the Russian Federation to review his case on administrative offence in St. Petersburg in 2012 with the reference to the European Court judgment in the instance case. On 23 May 2018 the judge of the Supreme Court of the Russian Federation dismissed the extraordinary appeal of Mr. Alekseyev stating that his prosecution on the basis of the so called “gay propaganda laws” was justified and lawful (see attachment 6).

The applicant asks the Committee of Ministers to take measures concerning the payment of just satisfaction by the Government and the review of the judgments delivered in the cases by the Russian courts.

Yours faithfully,



Nikolay Alekseyev