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Meeting: 1419th meeting (December 2021) (DH)

Item reference: Action Plan (15/11/2021)

Communication from the Russian Federation concerning the case of SVINARENKO AND
SLYADNEV v. Russian Federation (Application No. 32541/08)

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Réunion : 1419^e réunion (décembre 2021) (DH)

Référence du point : Plan d'action (15/11/2021)

Communication de la Fédération de Russie concernant l'affaire SVINARENKO ET SLYADNEV c. Fédération de Russie (requête n° 32541/08) **(anglais uniquement)**

DGI

15 NOV. 2021

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDHPrepared
for the 1419th CMCE meeting
(30 November – 2 December 2021)

ACTION PLAN

on execution of the judgments of the European Court of Human Rights in *Svinarenko and Slyadnev* group of cases

Violation

In judgments in the *Svinarenko and Slyadnev* group of cases the European Court of Human Rights (hereinafter – “the European Court”) found the violation by the authorities of the Russian Federation of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter – “the Convention”) on account of the applicants’ confinement in a place enclosed by metal rods (metal cage) in a courtroom during the proceedings.

Individual Measures:

1. Just Satisfaction

The information on the payment of just satisfaction to the applicants was provided earlier (documents: DH-DD(2019)441, DH-DD(2020)565).

1.1. The following payments were additionally made during the reporting period.

The judgment in case no. 45162/13 of *Kolosyuk and Others v. Russia*

Applicant, application no.	Amount awarded in respect of non- pecuniary damage (euros)	Amount awarded in respect of costs and expenses (euros)	Payment
Roman Sergeyevich Shilov № 46121/16	520		The awarded compensation amount was fully paid to the applicant (payment order no. 699603 of 17 November 2020 in the amount of RUB 47 409.91) without default interest due to the provision of account details after the expiration of the time limits set by the European Court for payment of compensation.

The judgment in case no. 15783/10 of *Utimishev and Others v. Russia*

Applicant, application no.	Amount awarded in respect of non- pecuniary damage (euros)	Amount awarded in respect of costs and expenses (euros)	Payment
Irek Rishatovich Tagirov № 34062/17	4600		The awarded compensation amount was fully paid (payment order no. 211444 of 16 February 2021 in the amount of RUB 409 286.84) without default interest due to the provision of account details after the expiration of the time limits set by the European Court for payment of compensation. According to the applicant's request, the amount was transferred to the account of his representative - Z.Kh. Tagirova.

The judgment in case no. 66754/13 of *Voronov and Others v. Russia*

Applicant, application no.	Amount awarded in respect of non- pecuniary damage (euros)	Amount awarded in respect of costs and expenses (euros)	Payment
Yuriy Ivanovich Magerovskiy № 39672/17	6800		The awarded compensation amount was fully paid to the applicant (payment order no. 211342 of 16 February 2021 in the amount of RUB 605 032.72) without default interest due to the provision of account details after the expiration of the time limits set by the European Court for payment of compensation.
Vyacheslav Yevgenyevich Kirilyuk № 41562/17	4200		The awarded compensation amount was fully paid to the applicant (payment order no. 159967 of 1 February 2021 in the amount of RUB 388 265.75) including default interest for payment delay.
Daniyel Valeryevich Banar № 9365/18	6800		The awarded compensation amount was fully paid to the applicant (payment order no. 606894 of 27 October 2020 in the amount of RUB 615 052.52) without default interest due to the provision of account details after the expiration of the time limits set by the European Court for payment of compensation.

1.2. The compensation to the applicants S.V. Karachentsev (*Karachentsev v. Russia*), P.A. Belyakov (*Kulminskiy and Others v. Russia*), A.V. Khayan (*Voronov and Others v. Russia*) has not been paid due to the applicants' failure to provide (as of 11 November 2021) bank account details despite the explanations given by the European Court and the Representative's Office (the most recent letter of 23 June 2020 to A.V. Khayan, of 25 June 2020 to S.V. Karachentsev, P.A. Belyakov).

Therefore, the authorities cannot be blamed for the payment delay. The authorities did their best to comply with their obligations.

However, if the applicants provide the bank account details the payment of compensation will be made in due course.

2. Other necessary individual measures were taken in the framework of execution of the judgements (documents: DH-DD(2019)441, DH-DD(2020)565).

In connection with para 2 of the CMCE decision of 1 October 2020, the authorities inform that M.A. Valyuzhenich has served his sentence and is at large.

General Measures:

As previously reported, on 14 November 2018 the Council of the Federation of the Federal Assembly of the Russian Federation introduced to the State Duma of the Federal Assembly of the Russian Federation the draft Federal Law no. 587542-7 *On Amendments to Article 9 of the Code of Criminal Procedure of the Russian Federation*.

The draft law provides for complete prohibition of placing suspects, accused or defendants in metal cages in the procedural area of courtrooms, as well as prohibition of using any other constructions impeding the said persons' communication with the lawyer (defence counsel). This most fully corresponds to the Convention provisions and the European Court's case-law.

Based on the results of the draft law's elaboration by the state authorities the Government of the Russian Federation on 23 September 2019 sent to the State Duma an official review to this draft, which suggests amendments to the draft law that allow the use of glass cabins in court proceedings based on a reasoned decision of a judge and at the same time supplement the draft law with norms aimed at ensuring the constitutional and Convention rights of citizens when the respective measure against them is applying.

At the same time, due to the expiration in 2021 of the term of office of the State Duma of the 7th convocation, the work on the draft law was not completed.

After the completion of the regulatory procedures for the formation of the State Duma of the 8th convocation, on 13 October 2021 the Council of the State Duma decided to appoint a committee responsible for the draft law – the Committee on State Construction and legislation. The work will continue. The Russian authorities proceed from the importance of the early adoption of this draft law.

The CMCE will be informed about the development of the situation.