

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
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Meeting: 1201 meeting (3-5 June 2014) (DH)

Item reference: Action plan (13/05/2014)

Communication from the Russian Federation concerning the cases of Kalinkin and others and Ilyushkin and others against Russian Federation (Applications No. 16967/10 and 5734/08)

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Réunion : 1201 réunion (3-5 juin 2014) (DH)

Référence du point : Plan d'action

Communication de la Fédération de Russie concernant les affaires Kalinkin et autres et Ilyushkin et autres contre Fédération de Russie (requêtes n° 16967/10 et 5734/08) (**anglais uniquement**).



ACTION PLAN

**On the execution of the judgments of the European Court of Human Rights
in cases No. 16967/10 Kalinkin and Others v. Russia
(judgment of 17 April 2012, final on 24 September 2012)
and No. 5734/08 Ilyushkin and Others v. Russia
(judgment of 17 April 2012, final on 17 July 2012)**

Violation

In cases no. 16967/10 «Kalinkin and Others v. Russia» and no. 5734/08 «Ilyushkin and Others v. Russia» the European Court of Human Rights found violations by authorities of the Russian Federation of Article 6 §1 of the Convention and Protocol no.1 to the Convention in relation to 50 applicants, in view of the failure to execute decisions issued by garrison military courts on granting of servicemen of the Ministry of Defence, officers of the Ministry of the Interior and the Federal Security Service with housing, as well as of Article 13 of the Convention - in view of the fact, that the applicants have no effective remedies in relation to the above mentioned violations.

I. Individual Measures:

1. Just satisfaction

Due to the found violations the European Court awarded the applicants the satisfaction amounts which have been paid to the applicants in full.

no	Number of the application	Full name of the applicant	Pecuniary damage	Non-pecuniary damage	Legal costs and expenses	Payment
1	16967/10	Kalinkin Aleksandr Vasilyevich		EUR 6,200	EUR 133	The payment was made in full and in time on 15.11.2012 in roubles at the exchange rate at the date of payment (payment order no. 664911 to the amount of RUB 254,791.16).
2	37115/08	Martynenko Viktor Grigoryevich		EUR 9,000	EUR 650	The payment was made in full and in time on 15.11.2012 in roubles at the exchange rate at the date of payment (payment order no. 664890 to the amount of RUB 388,241.70).
3	52141/09	Gukasyan Artush Armetakovich		EUR 9,000		The payment was made in full and in time on 15.11.2012 in roubles at the exchange rate at the date of payment (payment order no. 664874 to the amount of RUB 362,090.70).
4	57394/09	Platonov Alfey Vitalyevich		EUR 9,000		The payment was made in full and in time on 15.11.2012 in roubles at the exchange rate at the date of payment (payment order no. 665318 to the amount of RUB 362,090.70).
5	57400/09	Bespalov Aleksandr Sergeyevech		EUR 4,700		The payment was made in full and in time on 15.11.2012 in roubles at the exchange rate at the date of payment (payment order no. 664938 to the amount of RUB 189,091.81).

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no	Number of the application	Full name of the applicant	Pecuniary damage	Non-pecuniary damage	Legal costs and expenses	Payment
6	2437/10	Sharafutdinov Rasim Gelyazetdinovich		EUR 9,000		The payment was made in full and in time on 15.11.2012 in roubles at the exchange rate at the date of payment (payment order no. 664927 to the amount of RUB 362,090.70).
7	3102/10	Neshumov Viktor Anatolyevich		EUR 9,000		The payment was made in full and in time on 15.11.2012 in roubles at the exchange rate at the date of payment (payment order no. 665293 to the amount of RUB 362,090.70).
8	12850/10	Kovalkov Aleksandr Yuryevich		EUR 9,000	EUR 7	The payment was made in full and in time on 15.11.2012 in roubles at the exchange rate at the date of payment (payment order no. 665328 to the amount of RUB 362,372.33).
9	13683/10	Shuvayev Vasily Anatolyevich		EUR 4,700		The payment was made in full and in time on 15.11.2012 in roubles at the exchange rate at the date of payment (payment order no. 664887 to the amount of RUB 189,091.81).
10	19012/10	Murzin Nikolay Ivanovich		EUR 3,900	EUR 400	The payment was made in full and in time on 15.11.2012 in roubles at the exchange rate at the date of payment (payment order no. 664949 to the amount of RUB 172,998.89).
11	19401/10	Golubev Aleksandr Ivanovich		EUR 4,700	EUR 36	The payment was made in full and in time on 15.11.2012 in roubles at the exchange rate at the date of payment (payment order no. 664943 to the amount of RUB 190,540.17).
12	20789/10	Semenov Andrey Yuryevich		EUR 3,000	EUR 20	The payment was made in full and in time on 15.11.2012 in roubles at the exchange rate at the date of payment (payment order no. 664917 to the amount of RUB 221,277.65).
13	25167/10	Bessonov Sergey Yuryevich	Just satisfaction amount was not granted to the applicant			
14	22933/10	Lukyanchuk Marianna Mikhaylovna		EUR 3,000	EUR 20	The payment was made in full and in time on 15.11.2012 in roubles at the exchange rate at the date of payment (payment order no. 664893 to the amount of RUB 121,501.55).
15	26583/10	Kobelev Fedor Gennadiyevich		EUR 7,800		The payment has been made in full and in time on 17.12.2012 in roubles at the exchange rate at the date of payment (payment order no. 742320 to the amount of RUB 312,467.22).
16	26820/10	Starodubtsev Valery Pavlovich		EUR 3,100		The payment was made in full and in time on 15.11.2012 in roubles at the exchange rate at the date of payment (payment order no. 664965 to the amount of RUB 124,720.13).
17	26884/10	Shmotkin Oleg Nikolayevich		EUR 3,100		The payment was made in full and in time on 15.11.2012 in roubles at the exchange rate at the date of payment (payment order no. 665339 to the amount of RUB 124,720.13).
18	28970/10	Parshin Valery Valentinovich		EUR 3,100		The payment was made in full and in time on 15.11.2012 in roubles at the exchange rate at the date of payment (payment order no. 664924 to the amount of RUB 124,720.13).
19	29857/10	Varchenko Anton Vasilyevich		EUR 3,100		The payment was made in full and in time on 15.11.2012 in roubles at the exchange rate at the date of payment (payment order no. 664960 to the amount of RUB 124,720.13).
20	49975/10	Timofeyev Oleg Aleksandrovich		EUR 2,000	EUR 218	The payment was made in full and in time on 15.11.2012 in roubles at the exchange rate at the date of payment (payment order no. 665334 to the amount of RUB 89,235.24).

no	Number of the application	Full name of the applicant	Pecuniary damage	Non-pecuniary damage	Legal costs and expenses	Payment
21	56205/10	Grinko Yelena Anatolyevna		EUR 3,100		The payment was made in full and in time on 23.05.2013 in roubles in roubles at the exchange rate at the date of payment (payment order No. 1134199 to the amount of RUB 124,589.93).
22	5734/08	Ilyushkin Petr Nikolayevich		EUR 7,800	EUR 900	The payment was made in full on 13.09.2012 in roubles at the exchange rate at the date of payment (payment order no. 512563 to the amount of RUB 353,396.61).
23	20420/07	Dubovitsky Igor Ilyich		EUR 9,000	EUR 20	The payment was made in full on 13.11.2012 in roubles at the exchange rate at the date of payment, including default interest (payment order no. 655767 to the amount of RUB 363,800.46).
24	54342/08	Misnikov Valeriy Ivanovich		EUR 6,200		The payment was made in full on 13.11.2012 in roubles at the exchange rate at the date of payment, including default interest (payment order no. 655699 to the amount of RUB 250,062.22).
25	56997/08	Adilov Umar Samadovich	EUR 5,980	EUR 9,000	EUR 900	The payment was made in full on 13.11.2012 in roubles at the exchange rate at the date of payment, including default interest (payment order no. 655771 to the amount of RUB 640,481.96).
26	60129/08	Tokhtayeva Aziza Mukhammedovna		EUR 9,000	EUR 40	The payment was made in full on 13.09.2012 in roubles at the exchange rate at the date of payment (payment order no. 512556 to the amount of RUB 367,207.51).
27	4561/09	Kozlov Vyacheslav Yuryevich		EUR 6,200	EUR 925	The payment was made in full on 13.09.2012 in roubles at the exchange rate at the date of payment (payment order no. 512544 to the amount of RUB 289,419.64).
28	7738/09	Denisov Igor Ivanovych		EUR 4,700	EUR 100	The payment was made in full on 13.11.2012 in roubles at the exchange rate at the date of payment, including default interest (payment order no. 655765 to the amount of RUB 314,594.65).
29	11273/09	Kovryzhenko Yuriy Grigoryevich	EUR 7,475	EUR 9,000	EUR 670	The payment was made in full on 13.09.2012 in roubles at the exchange rate at the date of payment (payment order no. 512546 to the amount of RUB 696435.04).
30	11993/09	Miklyayev Valeriy Nikolayevich		EUR 3,100		The payment was made in full on 14.09.2012 in roubles at the exchange rate at the date of payment (payment order no. 515340 to the amount of RUB 125,577.90).
31	16960/09	Roshchin Aleksy Gennadiyevich		EUR 4,700		The payment was made in full on 15.11.2012 in roubles at the exchange rate at the date of payment, including default interest (payment order no. 664932 to the amount of RUB 189,742.77).
32	20454/09	Kuzmin Nikolay Vladimirovich		EUR 7,800		The payment was made in full on 13.09.2012 in roubles at the exchange rate at the date of payment (payment order no. 512557 to the amount of RUB 316,838.34).
33	21964/09	Potapov Aleksandr Anatolyevich		EUR 5,500		The payment was made in full and in time on 07.03.2013 in roubles according to the exchange rate at the date of payment (payment order no. 958505 to the amount of RUB 220,069.30).

no	Number of the application	Full name of the applicant	Pecuniary damage	Non-pecuniary damage	Legal costs and expenses	Payment
34	26632/09	Udovichenko Vladimir Grigoryevich		EUR 9,000	EUR 24	The payment was made in full and in time on 23.11.2012 in roubles at the exchange rate at the date of payment (payment order no. 689263 to the amount of RUB 361,668.38).
35	28914/09	Vorobyev Sergey Veniaminovich		EUR 4,700		The payment was made in full on 13.09.2012 in roubles at the exchange rate at the date of payment (payment order no. 512552 to the amount of RUB 190,915.41).
36	31577/09	Zyuzin Sergey Vasilyevich		EUR 7,800		The payment was made in full on 13.11.2012 in roubles at the exchange rate at the date of payment, including default interest (payment order no. 655598 to the amount of RUB 314,594.65).
37	31614/09	Shchurevich Yuriy Aleksandrovich		EUR 7,800		The payment was made in full on 23.11.2012 in roubles at the exchange rate at the date of payment (payment order no. 689213 to the amount of RUB 360,706.50).
38	31685/09	Lukin Ilya Yuryevich		EUR 9,000	EUR 10	The payment was made in full on 13.11.2012 in roubles at the exchange rate at the date of payment, including default interest (payment order no. 655601 to the amount of RUB 363,397.07).
39	32395/09	Zykov Sergey Andreyevich		EUR 9,000		The payment was made in full on 23.11.2012 in roubles at the exchange rate at the date of payment (payment order no. 689232 to the amount of RUB 360,706.50).
40	35053/09	Mikhalev Nikolay Aleksandrovich		EUR 9,000		The payment was made in full on 14.09.2012 in roubles at the exchange rate at the date of payment (payment order no. 515393 to the amount of RUB 364,581.00).
41	36327/09	Sedinkin Vladimir Dmitriyevich		EUR 7,800		The payment was made in full on 15.11.2012 in roubles at the exchange rate at the date of payment, including default interest (payment order no. 665323 to the amount of RUB 314,462.90).
42	38180/09	Oshcepkov Vladimir Vasilyevich		EUR 6,200		The payment was made in full on 13.11.2012 in roubles at the exchange rate at the date of payment, including default interest (payment order no. 655702 to the amount of RUB 250,061.01).
43	45131/09	Repp Vladimir Yakovlevich		EUR 5,000		The payment was made in full on 13.09.2012 in roubles at the exchange rate at the date of payment (payment order no. 512565 to the amount of RUB 203,101.50).
44	48059/09	Novikov Alexey Vladimirovich		EUR 3,900	EUR 60	The payment was made in full on 14.09.2012 in roubles at the exchange rate at the date of payment (payment order no. 515387 to the amount of RUB 160,415.64).
45	52605/09	Bariyev Ruslan Gusmanovich	EUR 1,320	EUR 7,800		The payment was made in full on 15.11.2012 in roubles at the exchange rate at the date of payment, including default interest (payment order no. 664922 to the amount of RUB 367,569.53).
46	56935/09	Alekseyev Rostislav Viktorovich	EUR 5,230	EUR 5,500	EUR 280	The payment was made in full on 13.09.2012 in roubles at the exchange rate at the date of payment (payment order no. 512553 to the amount of RUB 447,229.50).
47	58034/09	Pasko Aleksandr Grigoryevich		EUR 9,000	EUR 24	The payment was made in full on 21.11.2012 in roubles at the exchange rate at the date of payment, including default interest (payment order no. 682639 to the amount of RUB 368,061.69).

no	Number of the application	Full name of the applicant	Pecuniary damage	Non-pecuniary damage	Legal costs and expenses	Payment
48	59761/09	Dutskova Anna Nikolayevna		EUR 6,200		The payment was made in full on 13.09.2012 in roubles at the exchange rate at the date of payment (payment order no. 512558 to the amount of RUB 251,845.86).
49	1048/10	Chesnokov Vyacheslav Aleksandrovich		EUR 4,700		The payment was made in full on 13.09.2012 in roubles at the exchange rate at the date of payment (payment order no. 512547 to the amount of RUB 190,915.41).
50	1119/10	Nadezhkin Boris Pavlovich		EUR 4,700		The payment was made in full on 13.09.2012 in roubles at the exchange rate at the date of payment (payment order no. 512549 to the amount of RUB 190,915.41).

2. Measures for enforcement of domestic courts decisions on granting with housing.

2.1. Judgment on application «Kalinkin and Others v. Russia»

At present the court decisions in relation to the applicants A.I. Golubeva, M.M. Lukyanchuk, A.V. Varchenko, S.Yu. Bessonova, V.P. Starodubtseva, O.A. Timofeyeva, F.G. Kobeleva and V.V. Parshina are executed in full. The above mentioned applicants were provided with housing, and contracts of social rent were concluded with them.

In relation to the applicants A.V. Kalinkin, V.A. Neshumov, N.I. Murzin, V.G. Martynenko, V.A. Shuvayev, A.Yu. Semenov, A.Yu. Kovalkov, O.N. Shmotkin, A.A. Gukasyan, I.I. Dubovitsky, E.A. Grinko and A.V. Platonov the decisions on allotment of housing, and the work on conclusion of contracts of social rent was organised.

The applicant A.S. Bespalov was allotted the housing, and he was informed that the contract of social rent will be concluded with him after he vacates the service housing premise occupied at present.

The court decision in relation to R.G. Sharafutdinov has not been executed so far in view of the lack of vacant housing for allotment, but at present the decision on granting the applicant housing allowances was adopted.

2.2. Judgment on application «Ilyushkin and Others v. Russia»

At present the court decisions in relation to the applicants P.N. Ilyushkin, Yu.A. Shurevich, V.D. Sedinkin, S.A. Zykov, A.A. Potapov, V.G. Udovichenko, Yu.G. Kovryzhenko, N.V. Kuzmin, S.V. Vorobyev, S.V. Zyuzin, V.V. Oshchepkov, R.V. Alekseyev, A.N. Dutskov, V.A. Chesnokov, A.M. Tokhtayev, I.Yu. Lukin, A.V. Novikov, B.P. Nadezhkin and A.G. Pasko are fully executed. The above mentioned applicants were provided with housing, and contracts of social rent were concluded with them.

The decisions on allotment of housing were adopted in relation to the applicants U.S. Adilov, V.Ya. Repp, I.I. Dubovitsky A.G. Roshchin, V.I. Misnikov, I.I. Denisov, N.A. Mikhalev and R.G. Bariyev, and the work on conclusion of contracts of social rent with them was organised.

The court decision in relation to V.Yu. Kozlov has not been executed so far, in view of the lack of vacant housing for allotment, but at present the decision on granting the applicant housing allowances was adopted.

II. General Measures:

1. The Federal purpose-oriented program "Housing" for years 2011-2015 was approved by the Resolution of the Russian Federation Government of 17 December 2010. The purpose and tasks of the above mentioned program is the financial support to the Russian Federation citizens, whom the state is obliged to provide with housing in compliance with national legislation, by means of:

- granting the social benefit for purchase of housing, which allows the individuals - the participants of the program to purchase housing in the market, with the use of the social benefit, as well as by additional mobilization of own or credit funds (if an individual, for some reason, has not used the right for obtaining the social benefit, allotted to him, he shall be left in the lists of those who are in need of housing);

- provision with housing.

The total volume of the program financing makes RUB 162,8 bln.

The program implementation shall allow to provide 82 thous. of families with housing before 2015 inclusive.

2. The President of the Russian Federation issued the Decree of 7 May 2012 No.604 «On further improvement of military service in the Russian Federation», which stipulates the complex of measures for improvement of the social status servicemen's social status it is stipulated, inter alia:

- provision of servicemen of the Armed Forces of the Russian Federation, other forces, military units and bodies with housing in full in compliance with the legislation of the Russian Federation;

- formation of service housing by 2014.

3. The competent public authorities took a number of measures, directed at ensuring of execution of the court decisions on provision of servicemen and persons equivalent to them with housing upon the court decisions, issued earlier.

3.1. The Main Military Prosecutor's Office held examinations of legislative execution in the area of relations concerned. Upon their results, the documents of the prosecutor's response were introduced to the Heads of the Ministry of Defence of the Russian Federation, Ministry of Internal Affairs of the Russian Federation, Federal Security Service of Russian Federation.

Upon the results of the prosecutor's examinations, the housing rights of more than 17 thous. of servicemen and members of their families were restored, more than

120 guilty officials were brought to disciplinary responsibility, 14 criminal cases were initiated.

According to the information from the Main Military Prosecutor's Office, the supervision over the execution of the housing legislation by the bodies of military administration, inter alia, at provision of servicemen and other individuals with housing on the basis of the court decisions, was organized on an ongoing basis and referred to the priority directions of the bodies of military administration activity.

3.2. The court bailiffs and prosecutors held the joint examinations of the draft budgets of municipal entities. Upon the results of examination of proposals, made after such examinations, the relevant budgets were adjusted in time, and the presence of expenditure activities, connected with provision of individuals with housing, was ensured in them.

3.3. The Federal Bailiff Service and the Ministry of Defence of the Russian Federation held the joint meeting on the settlement of topic issues of execution of court decisions on provision of servicemen with housing, with adoption of certain decisions.

3.4. Under the procedure of implementation of measures upon the suggestions of the Main Military Prosecutor's Office and the Federal Penal Service, within the allocated budgetary appropriations, the Ministry of Defence of the Russian Federation concluded additional state contracts for construction of houses to be allotted to servicemen, subject to discharge from service, inter alia, in the most problematic zones:

Moscow (approximate completion date of a project – 2013-2014);

Belgorod (approximate completion date of a project – 2014);

Rostov-on-Don (approximate completion date of a project – 2014);

Zelenograd (approximate completion date of a project – 2014);

4. The European Court judgments in the cases «Kalinkin and Others v. Russia» and «Ilyushkin and Others v. Russia» were forwarded to the Constitutional Court of the Russian Federation and to the competent public authorities (the Supreme Court of the Russian Federation, the General Prosecutor's Office of the Russian Federation, the Main Military Prosecutor's Office, the Federal Bailiff Service of Russian Federation, the Ministry of Defence of the Russian Federation, the Ministry of Internal Affairs of the Russian Federation, the Federal Security Service of Russian Federation, the Moscow City Court, the Far Eastern District Military Court, the North-Caucasian District Military Court, the Moscow District Military Court, the Leningradsky District Military Court) for taking into account in their practice and taking of measures for prevention of similar violations in future, within their jurisdiction.

The competent public authorities forwarded the copies of the European Court's judgments to their structural subdivisions and territorial authorities with necessary instructions to take into account the European Court's legal positions in their practice.

5. The European Court judgment on applications «Kalinkin and Others v. Russia» and «Ilyushkin and Others v. Russia» was posted in the Russian language in legal reference systems "KonsultantPlus" and "Garant".

6. The work on adoption of other general measures, directed at solution of the issue of lengthy failure to execute the decisions of national courts, is performed by the authorities of the Russian Federation under the group of cases "Timofeyev".