

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES

COMMITTEE
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Contact: Clare Ovey
Tel: 03 88 41 36 45

Date: 06/03/2017

DH-DD(2017)262

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: 1280 meeting (7-9 March 2017) (DH)

Communication from the applicant's representative (06/03/2017) in the case of PICHUGIN (Klyakhin group) v. 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 : 1280 réunion (7-9 mars 2017) (DH)

Communication du représentant du requérant (06/03/2017) dans l'affaire PICHUGIN (groupe Klyakhin) c. 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.

DH-DD(2017)262 : Rule 9.1 applicant's representative in Pichugin v. Russian Federation.
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. / 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.



**Attorney K.L. Kostromina, Dalet Moscow Law Offices, Sadovaya-Spasskaya St. 21/1, Office 221,
107078, Moscow, Russia.**

**Piers Gardner, Barrister, Monckton Chambers, 1-2 Raymond Buildings, Gray's Inn, London GB
WC1R 5NR, UK**

Department for the Execution of Judgments DG I
Council of Europe
F-67075 Strasbourg Cedex
France

5 March 2017

Dear Sirs,

Pichugin case: Execution of the Judgment of the European Court of Human Rights

Submissions under Rule 9(1) of the Rules of the CMDH

1. The judgment in the above case became final on 19 March 2013 (the Judgment). The case was last examined by the CMDH on 21 September 2016 and is included on the Agenda for examination at the forthcoming CMDH meeting (7 to 9 March 2017).

Outstanding individual measures: failure to rectify an unfair trial held in camera

2. The outstanding issues in the case concern individual measures arising from the violations of Mr Pichugin's right to a fair trial held in public and the payment of just satisfaction, which was immediately sequestered unjustifiably by the Russian authorities.
3. Mr Pichugin applied to the Russian Supreme Court for his case to be re-opened and for a trial *de novo*. The Supreme Court did not order a retrial. It contradicted the findings of violation in the Judgment. In the intervening four years since the Court's judgment became final, Mr Pichugin, who remains in prison, awaits effective *restitutio in integrum* for the violation of his right to a fair public trial, in breach of Article 6(1) and 6(3)(d).
4. However, as far as the repayment of the just satisfaction which was awarded to Mr Pichugin, but unjustifiably sequestered from his bank account without explanation by the Russian authorities on 28 August 2013, is concerned, the sum of RUB 421 776.73 was credited to Mr Pichugin's bank account on 27 February 2017. No default interest has been paid for the intervening three and a half years since the payment was first sequestered.

Yours faithfully,

JP Gardner

Barrister


pgardner@monckton.com