

## SECRETARIAT GENERAL

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SECRETARIAT DU COMITE DES MINISTRES

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Contact: Clare Ovey  
Tel: 03 88 41 36 45

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

Item reference: Action report (09/02/2017)

Communication from the Russian Federation concerning the case of Korkin (Klyakhin group) against Russian Federation (Application No. 48416/09)

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Réunion : 1280 réunion (7-9 mars 2017) (DH)

Référence du point : Bilan d'action

Communication de la Fédération de Russie concernant l'affaire Korkin (groupe Klyakhin) contre Fédération de Russie (Requête n° 48416/09) (**anglais uniquement**)

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DGI

09 FEB 2017

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH

**ACTION REPORT**  
**on the execution of the judgment of the**  
**European Court of Human Rights in case**  
**no. 48416/09 *Korkin v. Russia***  
**(judgment of 12 November 2015, final on 2 May 2016)**

**Violation**

In the judgment *Korkin v. Russia*, the European Court of Human Rights found a violation of Article 3 of the Convention by the authorities of the Russian Federation in connection with the failure to provide proper conditions of S.E. Korkin's transportation from remand prison to court and back, as well as of §1 and §3 of Article 5 of the Convention in connection with the repeated and unreasonable application by courts the measure of restraint in the form of detention in respect of S.E. Korkin and unlawful application of this measure of restraint to the applicant in accordance with the sentence, the relative part of which was announced to the applicant on the last day of the named period, which shall be deemed as "retroactive" application of this measure of restraint.

**Individual Measures:**

**1. Just satisfaction.**

Applicant	Pecuniary damage	Non-pecuniary damage	Legal costs and expenses	Total
Korkin Sergey Eduardovich		EUR 8,250		EUR 8,250
612 230.85 rubles were fully paid on 03.06.2016 according to the exchange rate at the date of the payment (payment order no. 889714).				

**2. S.E. Korkin is currently at large (released on parole).**

**3. Due to the fact that the European Court found unlawfully and unreasonably length of S.E. Korkin's detention, on the request of the President of the Supreme Court the Presidium of the Supreme Court declared as unlawful and quashed all previous decisions extending the applicant's detention.**

The applicant and his representatives did not lodge to court with any applications in connection with the entry into force of the European Court's judgment.

### **General Measures:**

1. The work to solve the problem of non-provision of proper transportation conditions are performed in the framework of execution of judgments in a group of cases *Guliyev* and *Kalashnikov*.

2. The adoption of general measures to solve the problem of unlawful and excessively length of detention and the prevention of further relevant violations continues in the framework of execution of the judgments in the *Klyakhin* group of cases and pilot judgment *Ananyev and others v. Russia*.

3. The Court's judgment in case *Korkin v. Russia* was forwarded to the Constitutional Court of the Russian Federation and the competent state authorities (the Supreme Court of the Russian Federation, the Prosecutor General's Office of the Russian Federation, the Moscow City Court, Federal Penitentiary Service, Ministry of Internal Affairs of the Russian Federation) for taking into account in practice and adopting measures to prevent similar violations in the future in accordance with the jurisdiction.

The named competent state authorities communicated the copy of the European Court's judgment to their structural subdivisions and territorial agencies with necessary instructions to take into account the European Court's legal positions in their practice.

4. The text of the Court's judgment in case *Korkin v. Russia* was published on the website of the Ministry of Justice, on the website of General Prosecutor's Office, on the internal website of the Supreme Court (available to all courts of general jurisdiction), as well as in the "Consultant Plus" and "Garant" legal reference systems.

### **Conclusion:**

The Government believe that taken individual measures have eliminated the violations against the applicant as far as possible, respectively the Government have fulfilled their obligations under Article 46 of the Convention, and the supervision of the Committee of Ministers of the Council of Europe of the issue in this part may be closed.