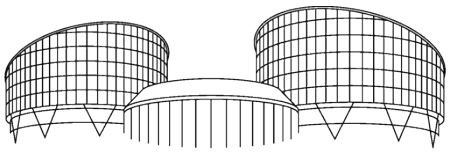

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

CASE OF NOSOV AND OTHERS v. RUSSIA

(Applications nos. 9117/04 and 10441/04)

JUDGMENT

This version was rectified on 16 September 2014
under Rule 81 of the Rules of Court

This judgment was revised in accordance with Rule 80 of the Rules of Court
in a judgment of 15 January 2015.

STRASBOURG

20 February 2014

FINAL

07/07/2014

This judgment has become final under Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Nosov and Others v. Russia,

The European Court of Human Rights (First Section), sitting as a Chamber composed of:

Isabelle Berro-Lefèvre, *President,*
Elisabeth Steiner,
Khanlar Hajiyev,
Linos-Alexandre Sicilianos,
Erik Møse,
Ksenija Turković,
Dmitry Dedov, *judges,*
and Søren Nielsen, *Section Registrar,*

Having deliberated in private on 28 January 2014,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in two applications (nos. 9117/04 and 10441/04) against the Russian Federation lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by forty-one Russian nationals ("the applicants"), whose names and dates of birth are listed in the Annex, on 31 January and 3 February 2004.

2. The Russian Government ("the Government") were represented by Ms V. Milinchuk, former Representative of the Russian Federation at the European Court of Human Rights.

3. The applicants complained, in particular, of the belated enforcement of judgments in their favour and of a breach of their right to freedom of assembly.

4. On 13 September 2007 the applications were communicated to the Government.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

5. The applicants live in Vladikavkaz.

6. The applicants are former policemen. They were all involved in the conflict-resolution and peace-keeping operation in the zone of the armed Ossetian-Ingush conflict in October and November 1992. As a consequence they were entitled to certain social payments.

A. Proceedings in respect of social-payments arrears

7. The applicants sued the Severnaya Osetiya-Alaniya Regional Department of the Ministry of Internal Affairs (hereafter "the regional internal-affairs department") for social-payments arrears. On various dates in 2001 or 2002 the Leninskiy District Court of Vladikavkaz allowed their claims and ordered that the regional internal-affairs department pay the arrears. The dates of the judgments and the amounts of the awards are listed in the Annex.

8. The applicants submitted the writs of execution to the Ministry of Finance. However the Ministry returned the writs of execution on the ground of lack of funds to pay the judgment debts.

9. The judgments in favour of all the applicants were eventually enforced between September 2004 and April 2005. The dates of payment in respect of each applicant are listed in the Annex.

10. All the applicants except Mr Varziev sued the regional internal-affairs department for pecuniary damage incurred through the belated enforcement of the judgments in their favour. On various dates in 2005 the Leninskiy District Court of Vladikavkaz acknowledged that the delays in enforcement had violated the applicants' rights and awarded each of them a sum to cover inflation losses sustained as a result. The awards were paid on various dates in 2005. One of the applicants, Mr Tsallagov, did not submit the writ of execution to the Ministry of Finance and did not therefore receive his award.

B. Demonstration organised by the applicants

11. On 15 September 2003 the applicants notified the Vladikavkaz Town Administration of their intention to hold a demonstration in Svoboda Square in Vladikavkaz to protest against the regional internal-affairs department's failure to settle the social-payments debt. The demonstration was scheduled to start on 30 September 2003 and was announced as being of unlimited duration.

12. On 24 September 2003 the Town Administration refused to approve the venue and suggested that the demonstration be held in front of the Tkhapsayev theatre.

13. On 30 September 2003 the applicants began their demonstration in Svoboda Square in front of the Severnaya Osetiya-Alaniya Regional Government building. About one hundred people participated in it. They put up tents and remained in the square day and night. They displayed placards and banners stating their criticisms and demands.

14. On 3 October 2003 the Vladikavkaz Town Legislature annulled the decision of 24 September 2003 at the request of the regional internal-affairs department "in connection with a risk of terrorist acts in the places of mass gatherings of people". It asked the regional internal-affairs department to

take measures to break up the demonstration and restore public order in Svoboda square.

15. On 11 October 2003 the Leninskiy District Court of Vladikavkaz declared the demonstration unlawful because it violated the rights of others. The court found that it hampered citizens' access to public transport and to the cinema and officials' access to the administrative buildings situated in Svoboda Square. The chanting of slogans by the applicants also disturbed the officials' work. Moreover, the regional internal-affairs department had information about an expected outbreak of terrorist activities in the region. The mass gathering of people in the vicinity of the administrative buildings increased the risk of terrorist acts and other offences being committed and impeded the conduct of preventive operations by the law-enforcement agencies. The court further noted that the Vladikavkaz Town Administration had ordered that all meetings and assemblies be held in front of the Tkhapsayev theatre; therefore the demonstration in Svoboda Square was in breach of that order. Lastly, the court found that public gatherings of unlimited duration were not authorised by Russian law.

16. It appears from the videotape and press articles submitted by the applicants that on the same day the police ordered the protesters to disperse. As the protesters refused to stop the demonstration, the police dismantled the tents they had erected. The protesters, however, put the tents back up and continued their demonstration.

17. On 18 November 2003 the Supreme Court of the Severnaya Osetiya-Alaniya Republic upheld the judgment of 11 October 2003 on appeal.

18. On 27 November 2003 the Parliament of the Severnaya Osetiya-Alaniya Republic decreed that Svoboda Square in Vladikavkaz was reserved for meetings, assemblies and demonstrations organised at the initiative of the authorities of the Severnaya Osetiya-Alaniya Republic and the town of Vladikavkaz. Other public gatherings were to be held at a venue to be determined by the Vladikavkaz Town Administration.

19. On an unspecified date in December 2003 the protesters ended the demonstration.

II. RELEVANT DOMESTIC LAW

A. Enforcement of judgments

20. For the relevant provisions of the domestic law regarding the enforcement of final judgments, see *Burdov v. Russia* (no. 2) (no. 33509/04, §§ 22 and 26-29, 15 January 2009).

21. Federal Law № 68-ФЗ of 30 April 2010 (in force as of 4 May 2010) provides that in the event of a violation of the right to trial within a reasonable time or of the right to enforcement of a final judgment, Russian citizens are entitled to seek compensation for non-pecuniary damage.

Federal Law № 69-ФЗ adopted on the same day introduced the pertinent changes in the Russian legislation.

22. Section 6.2 of Federal Law № 68-ФЗ provides that everyone who has an application pending with the European Court of Human Rights concerning a complaint of the nature described in the law has six months to bring the complaint to the domestic courts.

B. Public assemblies

23. The Constitution guarantees the right to freedom of peaceful assembly and the right to hold meetings, demonstrations, marches and pickets (Article 31).

24. Presidential Decree no. 524 of 25 May 1992 (in force at the material time) provided that the exercise of the right to freedom of assembly should not violate the rights and freedoms of others. It also prohibited the use of that right for the purpose of violently overthrowing the Government, inciting racial, ethnic or religious hatred, or advocating violence or war (section 1).

25. The Decree of the Presidium of the USSR Supreme Council no. 9306-XI of 28 July 1988 (in force at the material time pursuant to Presidential Decree no. 524 of 25 May 1992) provided that organisers of an assembly were to serve a written notification on the municipal authorities no later than ten days before the planned assembly. The notification was to mention the purposes, type, location or itinerary of the assembly, the time of its beginning and end, the expected number of participants, and the names and addresses of the organisers (section 2). The authority was to give its response no later than five days before the assembly. It could, if necessary, suggest another venue or time for the assembly (section 3). An assembly could be banned if its purpose was contrary to the Constitution or threatened public order or the security of citizens (section 6). An assembly was to be stopped at the request of the authorities in the following cases: (1) if no prior notification of the assembly had been given; (2) if a decision banning the assembly had been issued; (3) if the established procedure for the conduct of public assemblies had been breached; (4) if there was a danger to citizens' life or health; or (5) if the public order was breached (section 7).

C. Succession

26. Succession is regulated by Part 3 of the Civil Code. It includes the deceased's property or pecuniary rights or claims but does not include rights or obligations intrinsically linked to the deceased's person, such as alimony or a right to compensation for damage to health (Article 1112). An heir should claim and accept succession and obtain a succession certificate from a public notary (Articles 1152, 1162). The right to receive salary payments

and payments qualifying as such, pension payments and other sums of money payable to the deceased person as a means of subsistence which were not received in his lifetime belongs to the members of the deceased's family who had been residing with him and any disabled dependants, irrespective of their having resided with the deceased or not (Article 1183 § 1). In accordance with section 63 of the Federal Law on Pension Welfare of Military Service Personnel (1993), as in force at the material time, pension payments due to a pensioner but not received in his lifetime are payable to the members of the deceased's family if they were in charge of his or her funeral, and shall not be included in the succession.

THE LAW

I. JOINDER OF THE APPLICATIONS

27. Given that the two applications at hand concern similar facts and complaints and raise identical issues under the Convention, the Court decides to consider them in a single judgment.

II. LOCUS STANDI

28. The Court notes that one of the applicants, Mr Aleksandr Albertovich Nosov, died and that his mother, Ms Anna Romanovna Nosova, acting on her own behalf and on behalf of her husband, Mr Albert Aleksandrovich Nosov, expressed a wish to continue with the application. Likewise, it takes note of the death of another applicant, Mr Akhsarbek Vladimirovich Pukhaev, and of the interest of his wife, Ms Aza Kharitonovna Pukhayeva, in pursuing the proceedings.

29. The Court reiterates that where an applicant dies during the examination of a case his or her heirs may in principle pursue the application on his or her behalf (see *Jėčius v. Lithuania*, no. 34578/97, § 41, ECHR 2000-IX). Furthermore, in some cases concerning non-enforcement of court judgments, the Court recognised the right of the relatives of the deceased applicant to pursue the application (see *Shiryayeva v. Russia*, no. 21417/04, §§ 8-9, 13 July 2006; *Sobelin and Others v. Russia*, nos. 30672/03 et al., §§ 43-45, 3 May 2007; and *Streltsov and other "Novocherkassk military pensioners" cases v. Russia*, nos. 8549/06 et al., §§ 36-42, 29 July 2010). Similarly, the Court recognised the right of the relatives of the deceased applicant to pursue the application concerning the exercise of the right to freedom of assembly (see *Szerdahelyi v. Hungary*, no. 30385/07, §§ 19-22, 17 January 2012).

30. In the present case the successors submitted documents confirming that they were the applicants' close relatives and heirs. Furthermore, in accordance with the relevant provisions of the domestic law (see paragraph 26 above), they were entitled to claim the social payments due to their close relatives but not received in their lifetimes. In these circumstances, the Court considers that the applicants' successors have a legitimate interest in pursuing the applications in place of their late relatives.

III. ALLEGED VIOLATION OF ARTICLE 6 OF THE CONVENTION AND ARTICLE 1 OF PROTOCOL No. 1 ON ACCOUNT OF NON-ENFORCEMENT

31. The applicants complained about the delayed enforcement of the judgments in their favour. They relied on Article 6 § 1 of the Convention and Article 1 of Protocol No. 1, which read in so far as relevant as follows:

Article 6 § 1

"In the determination of his civil rights and obligations ..., everyone is entitled to a fair ... hearing ... by [a] ... tribunal ..."

Article 1 of Protocol No. 1

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

32. The Government, relying on the Court's judgment in the case of *Pellegrin v. France* ([GC], no. 28541/95, ECHR 1999-VIII), argued that the applicants' complaints under Article 6 of the Convention were incompatible *ratione materiae* because the applicants were former police officers and the awards made by the courts had concerned social payments related to their service in the police force.

33. The Government further submitted that the applicants had received compensation in respect of the pecuniary damage sustained as a result of the belated enforcement of the judgments in their favour. Therefore, they could no longer claim to be victims. They could also have applied for compensation in respect of the non-pecuniary damage, but had not done so. The Government notably referred to Chapter 25 of the Code of Civil Procedure, under which complaints about negligence on the part of the authorities could be brought and Chapter 59 of the Civil Code, which laid down the procedure for claiming non-pecuniary damage. The applicants had

not therefore exhausted the domestic remedies available to them under domestic law.

34. The Government lastly submitted that there had been delays in the execution of the judgments in the applicants' favour owing to lack of funds. They maintained that in 2001 and 2002 about a thousand judgments had been issued against the regional internal-affairs department awarding the claimants about 10,000 Russian roubles each, the aggregate of which was a substantial amount in their view. The regional internal-affairs department had not possessed sufficient funds to pay those awards and had had to apply to the Russian Government and the Ministry of Finance for additional financial resources. It had not been until 2004 that the financial resources requested had at last been allocated to the regional internal-affairs department. The Government also submitted that the applicants' conduct had contributed to the length of the enforcement proceedings, since after the writs of execution were returned for lack of funds some of them had re-submitted the writs to the competent authorities with a substantial delay.

35. The applicants maintained their claims.

A. Admissibility

36. As regards the applicability of Article 6 of the Convention, in the *Pellegrin* judgment the Court indeed held that the employment disputes between the authorities and public servants whose duties typify the specific activities of the public service, in so far as the latter is acting as the depository of public authority responsible for protecting the general interests of the State, are not "civil" and are excluded from the scope of Article 6 § 1 of the Convention. However, in a more recent judgment (see *Vilho Eskelinen and Others v. Finland* [GC], no. 63235/00, § 62, ECHR 2007-II) the Court established two criteria of applicability of Article 6 to such disputes. According to this judgment Article 6 under its "civil" head shall be applicable to all disputes involving civil servants, unless the national law expressly excludes access to a court for the category of staff in question, and this exclusion is justified on objective grounds.

37. Turning to the facts of the present case, the Court notes that the applicants had access to a court under national law. They made use of their right and brought actions against the regional internal-affairs department. The domestic courts examined the applicants' claims and accepted them, awarding social payment arrears to the applicants. Neither the domestic courts nor the Government indicated that the domestic system barred the applicants' access to a court. Accordingly, Article 6 is applicable (see, for similar reasoning, *Ustalov v. Russia*, no. 24770/04, § 13, 6 December 2007).

38. Further, as regards the applicants' victim status, the Court accepts that the judgments in the applicants' favour were enforced in full. Subsequently, the applicants sued the regional internal-affairs department

for the pecuniary damage caused by the delay in enforcement of those judgments. The courts granted their claims, acknowledging the delays and awarded them compensation covering inflation losses sustained as a result of the belated enforcement. Given that with regard to pecuniary damage the domestic courts are clearly in a better position to determine its existence and quantum (see *Scordino v. Italy (no. 1)* [GC], no. 36813/97, § 203, ECHR 2006-V), the Court will not question the findings of the domestic courts in respect of the pecuniary damage. Indeed, the applicants did not complain that the amounts awarded were insufficient or that there had been any delay in the payment of the compensation awarded. The Court is therefore satisfied that the domestic authorities acknowledged the breach of the Convention and paid compensation in respect of pecuniary damage.

39. At the same time the Court reiterates that the payment of compensation in respect of pecuniary damage alone does not provide sufficient redress for a delay in enforcement of court judgments (see *Burdov v. Russia (no. 2)*, no. 33509/04, § 108, ECHR 2009). It is significant that the applicants did not receive any compensation in respect of non-pecuniary damage. In such circumstances, the Court finds that the applicants did not receive sufficient redress for the alleged breaches of the Convention and can still claim to be victims.

40. Finally, the Court takes note of the Government's argument that the applicants did not apply for compensation for non-pecuniary damage and did not therefore exhaust domestic remedies. It has, however, already found that the remedies suggested by the Government are ineffective (see, among others, *Burdov (no. 2)*, cited above, §§ 103 and 106-116, and *Moroko v. Russia*, no. 20937/07, §§ 25-30, 12 June 2008).

41. The Court does not lose sight of the existence of a new remedy introduced by the federal laws *№ 68-ФЗ* and *№ 69-ФЗ* in the wake of the pilot judgment adopted in the case of *Burdov (no. 2)*. These statutes, which entered into force on 4 May 2010, set up a new remedy which enables those concerned to seek compensation for the damage sustained as a result of the non-enforcement of final judgments and the unreasonable length of proceedings (see paragraphs 21 and 22 above).

42. The Court observes that in the present case the parties' observations arrived before 4 May 2010 and did not contain any references to the new legislative development. However, it accepts that as of 4 May 2010 the applicants have had the right to use the new remedy. At the same time, it has already found that it would be unfair to request the applicants, whose cases have already been pending for many years in the domestic system and who have come to the Court to seek relief, to bring their claims before domestic tribunals again (see *Burdov (no. 2*), cited above, § 144). In line with this principle, the Court shall examine the present application on its merits (see, for similar reasoning, *Kazmin v. Russia*, no. 42538/02, §§ 69-71, 13 January 2011).

43. The Court further notes that the applicants' non-enforcement complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention and is not inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

44. The Court reiterates that an unreasonably long delay in the enforcement of a binding judgment may breach the Convention (see *Burdov v. Russia*, no. 59498/00, ECHR 2002-III).

45. In the present case the State avoided paying the compensation awarded to the applicants in at least one domestic judgment for more than two years. The main reason for the delay in enforcement was the debtor's lack of funds. However, the Court has already found that it is not open to a State authority to cite the lack of funds or other resources (such as housing) as an excuse for not honouring a judgment debt (see *Burdov (no. 2)*, cited above, § 70).

46. As regards the objection concerning some of the applicants' failure to resubmit the enforcement papers in good time, the Court reiterates that where a judgment is against the State, the State must take the initiative to enforce it (see *Akashev v. Russia*, no. 30616/05, §§ 21–23, 12 June 2008). The complexity of the domestic enforcement procedure cannot relieve the State of its obligation to enforce a binding judicial decision within a reasonable time (see *Burdov (no. 2)*, cited above, § 70).

47. There has, accordingly, been a violation of Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 in respect of each applicant.

IV. ALLEGED VIOLATION OF ARTICLE 11 OF THE CONVENTION

48. The applicants complained that the restrictions imposed by the authorities on the demonstration in which they had participated violated their right to freedom of assembly under Article 11 of the Convention. That Article reads as follows:

> "1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.
>
> 2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the state."

A. Admissibility

49. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention and is not inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

50. The Government submitted that the Russian courts had declared the demonstration unlawful for the following reasons. First, they had found that the demonstration in Svoboda square had violated the rights of others because it had hampered citizens' access to public transport and cultural institutions and disturbed the work of the regional government offices in the vicinity. Second, the demonstration had presented a danger to security because there was a high risk of terrorist activity in the region at the time. They listed eight terrorist acts that had been committed in the Severnaya Osetiya-Alaniya Republic between 1999 and 2003, five of which had been in Vladikavkaz. Lastly, the organisers of the demonstration had not indicated in the notification the end date of the demonstration as required by Russian law. The Government emphasized that the area in front of the Tkhapsayev theatre had been proposed as an alternative venue for the demonstration but the applicants had rejected that proposal. The restrictions imposed on the demonstration had been therefore justified.

51. The applicants pointed to a contradiction in the Government's submissions. They argued that if there had indeed been a risk of terrorist activity in the region, that risk would have been the same in front of the Tkhapsayev theatre as it was in Svoboda square. The reference to the threat of a terrorist act had therefore been a pretext for banishing the demonstration from the town centre to the outskirts. The applicants further submitted that their demonstration had not impeded public access to public transport or the nearby cinema. Nor had it disrupted the work of the regional government offices, because the protesters had not chanted any slogans or made any other noise. Their act of protest had consisted of displaying placards criticising the authorities for their unlawful actions.

52. The Court reiterates that "interference" does not need to amount to an outright ban, legal or de facto, but can consist of various other measures taken by the authorities. The term "restrictions" in Article 11 § 2 must be interpreted as including both measures taken before or during an assembly and those, such as punitive measures, taken afterwards (see *Ezelin v. France*, 26 April 1991, § 39, Series A no. 202). For instance, a prior ban can have a chilling effect on the persons who intend to participate in an assembly and thus amount to an interference, even if the assembly subsequently proceeds without hindrance on the part of the authorities (see *Bączkowski and Others v. Poland*, no. 1543/06, §§ 66-68, 3 May 2007). An order to change the time or the place of the assembly may constitute an

interference as well (see *The United Macedonian Organisation Ilinden and Ivanov v. Bulgaria*, no. 44079/98, § 103, 20 October 2005, and *Berladir and Others v. Russia*, no. 34202/06, §§ 47-51, 10 July 2012). The same applies to measures taken by the authorities during an assembly, such as dispersal of the assembly or the arrest of participants (see, for example, *Oya Ataman v. Turkey*, no. 74552/01, §§ 7 and 30, ECHR 2006-XIII), and penalties imposed for having taken part in an assembly (see, for example, *Galstyan v. Armenia*, no. 26986/03, §§ 100-102, 15 November 2007).

53. Turning to the present case, the Court finds that the authorities' refusal to approve the location chosen by the applicants, the judicial decision declaring the demonstration unlawful, the order to disperse and the subsequent dismantling of the protesters' tents by the police constituted an interference with the applicants' right to freedom of assembly.

54. It is not contested that the interference was "prescribed by law" and "pursued a legitimate aim", that of preventing disorder and protecting the rights of others, for the purposes of Article 11 § 2. The dispute in the case relates to whether the interference was "necessary in a democratic society".

55. The Court has recognised that the right of peaceful assembly enshrined in Article 11 is a fundamental right in a democratic society and, like the right to freedom of expression, one of the foundations of such a society (see *Djavit An v. Turkey*, no. 20652/92, § 56, ECHR 2003-III, and *Christian Democratic People's Party v. Moldova*, no. 28793/02, §§ 62-63, ECHR 2006-II). One of the aims of freedom of assembly is to secure a forum for public debate and the open expression of protest. The protection of the expression of personal opinions, secured by Article 10, is one of the objectives of the freedom of peaceful assembly enshrined in Article 11 (see *Ezelin*, cited above, § 37). In view of the essential nature of freedom of assembly and its close relationship with democracy there must be convincing and compelling reasons to justify an interference with this right (see *Ouranio Toxo and Others v. Greece*, no. 74989/01, § 36, ECHR 2005-X (extracts), and *Adalı v. Turkey*, no. 38187/97, § 267, 31 March 2005, with further references).

56. When examining whether restrictions on the rights and freedoms guaranteed by the Convention can be considered "necessary in a democratic society" the Contracting States enjoy a certain but not unlimited margin of appreciation. An interference will be considered "necessary in a democratic society" for a legitimate aim if it answers a "pressing social need" and, in particular, if it is proportionate to the legitimate aim pursued and if the reasons adduced by the national authorities to justify it are "relevant and sufficient" (see, for example, *Coster v. the United Kingdom* [GC], no. 24876/94, § 104, 18 January 2001, and *S. and Marper v. the United Kingdom* [GC], nos. 30562/04 and 30566/04, § 101, ECHR 2008).

57. The Court takes note of the Government's arguments that the demonstration in which the applicants participated was unlawful and moreover disrupted the everyday life of the town centre. It reiterates in this

connection that the mere fact that an assembly is considered to be unlawful does not justify an infringement of the right to freedom of assembly. Further, any assembly in a public place is bound to cause a certain level of disruption to ordinary life and encounter hostility. In the Court's view, where participants do not engage in acts of violence it is important for the public authorities to show a certain degree of tolerance towards peaceful assemblies if the freedom of assembly guaranteed by Article 11 of the Convention is not to be deprived of all substance (see *Oya Ataman,* cited above, §§ 38-42; *Galstyan,* cited above, §§ 116-117, 15 November 2007; and *Bukta and Others v. Hungary*, no. 25691/04, § 37, ECHR 2007-III).

58. That being said, the Court has already found that after a certain lapse of time long enough for the participants to attain their objectives, the dispersal of an unlawful assembly may be considered to be justified in the interests of public order and the protection of the rights of others in order, for example, to prevent the deterioration of sanitary conditions or to stop the disruption of traffic caused by the assembly (see *Cisse v. France*, no. 51346/99, §§ 50-54, ECHR 2002-III, and *Çiloğlu and Others v. Turkey*, no. 73333/01, §§ 49-53, 6 March 2007).

59. The Court notes that in the present case the authorities showed tolerance towards the applicants' demonstration despite the fact that it had been declared unlawful. Indeed, undeterred by the authorities' refusal to approve the location in the town centre chosen by them, the protesters gathered at that location and remained there for more than two months. It is true that on at least one occasion, about two weeks after the beginning of the demonstration, the police requested the protesters to disperse and dismantled their tents. However, even though the protesters refused to comply with the dispersal order, the police did not resort to force to disperse them. The protesters were not prevented from re-erecting the tents and from remaining at the location for as long as they wished. They were able to display placards and banners stating their criticisms and demands for the duration of the demonstration. It is also significant that none of the protesters was brought to liability in connection with his participation in the demonstration.

60. In view of the above the Court considers that the applicants' demonstration lasted sufficiently long for them to express their position of protest and to draw the attention of the public to their concerns.

61. In such circumstances it cannot be said that the authorities overstepped the margin of appreciation afforded to them in that particular sphere or that the measures taken against the applicants' demonstration were disproportionate to the legitimate aims pursued.

62. There has accordingly been no violation of Article 11 of the Convention.

V. OTHER ALLEGED VIOLATIONS OF THE CONVENTION

63. Lastly, the Court has examined the other complaints submitted by the applicants, and, having regard to all the material in its possession and in so far as they fall within the Court's competence, it finds that these complaints do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols. It follows that this part of the applications must be rejected as manifestly ill-founded, pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

VI. APPLICATION OF ARTICLE 41 OF THE CONVENTION

64. Article 41 of the Convention provides:

> "If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

A. Damage

65. All the applicants claimed compensation in respect of non-pecuniary damage. Some of them did not specify the amount of compensation, while others claimed sums ranging from 50,000 to 500,000 euros (EUR). Some of the applicants also claimed various amounts in respect of pecuniary damage representing social payments allegedly due to them under domestic law.

66. The Government submitted that the judgments in the applicants' favour had been enforced in full and that the applicants had been compensated for the inflation losses sustained as a result of the belated enforcement. They had therefore been compensated for pecuniary damage at the domestic level. As regards non-pecuniary damage, the Government submitted that the claims were excessive and were not supported by any documents.

67. The Court does not discern any causal link between the violation found and the pecuniary damage alleged; it therefore rejects the claims in respect of pecuniary damage.

68. As regards non-pecuniary damage, the Court reiterates that it is an international judicial authority contingent on the consent of the States signatory to the Convention, and that its principal task is to secure respect for human rights, rather than compensate applicants' losses minutely and exhaustively. Unlike in national jurisdictions, the emphasis of the Court's activity is on passing public judgments that set human-rights standards across Europe. For this reason, in cases involving many similarly situated victims a unified approach may be called for. This approach will ensure that the applicants remain aggregated and that no disparity in the level of the awards will have a divisive effect on them (see *Ryabov and 151 other*

"Privileged pensioners" cases v. Russia, nos. 4563/07 et al., 17 December 2009). In view of the above, and making its assessment on an equitable basis, the Court awards each applicant EUR 2,000 in respect of non-pecuniary damage, plus any tax that may be chargeable on that amount.

69. The awards in respect of Mr Aleksandr Albertovich Nosov and Mr Akhsarbek Vladimirovich Pukhaev should be paid to their respective heirs Ms Anna Romanovna Nosova, born on 11 July 1940, and Ms Aza Kharitonovna Pukhayeva, born on 15 October 1952.

B. Costs and expenses

70. Relying on invoices and vouchers, Mr Aleksandr Albertovich Nosov claimed 250,000 Russian roubles (approximately EUR 6,950) for postal, translation and travel expenses incurred in the domestic proceedings and the proceedings before the Court. The remaining applicants also asked that their costs and expenses be reimbursed, without specifying the amounts claimed.

71. The Government submitted that the applicants' claims were not specific enough and were not supported by relevant documents.

72. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these have been actually and necessarily incurred and are reasonable as to quantum. In the present case, regard being had to the documents in its possession and the above criteria, the Court considers it reasonable to award to Mr Aleksandr Albertovich Nosov the sum of EUR 350, plus any tax that may be chargeable on that amount. That amount should be paid to his heir, Ms Anna Romanovna Nosova.

73. As regards the other applicants, they did not specify the amount of costs and expenses, nor did they submit any receipts or vouchers on the basis of which such amount could be established. Accordingly, the Court rejects their claims.

C. Default interest

74. The Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;

2. *Holds*, that Ms Anna Romanovna Nosova and Ms Aza Kharitonovna Pukhayeva have standing to continue the proceedings in place of

Mr Aleksandr Albertovich Nosov and Mr Akhsarbek Vladimirovich Pukhaev respectively;

3. *Declares* the complaints concerning non-enforcement of the judgments in the applicants' favour and the interference with the right to freedom of assembly admissible and the remainder of the applications inadmissible;

4. *Holds* that there has been a violation of Article 6 of the Convention and Article 1 of Protocol No. 1 in respect of the delayed execution of the judgments in the applicants' favour;

5. *Holds* that there has been no violation of Article 11 of the Convention;

6. *Holds*
(a) that the respondent State is to pay the applicants, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
(i) to each applicant, EUR 2,000 (two thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
(ii) to Mr Aleksandr Albertovich Nosov, EUR 350 (three hundred and fifty euros), plus any tax that may be chargeable, in respect of costs and expenses;
(b) that the awards in respect of Mr Aleksandr Albertovich Nosov and Mr Akhsarbek Vladimirovich Pukhaev should be paid to their respective heirs Ms Anna Romanovna Nosova and Ms Aza Kharitonovna Pukhayeva;
(c) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

7. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 20 February 2014, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Søren Nielsen
Registrar

Isabelle Berro-Lefèvre
President

ANNEX

Application no. 9117/04

	The applicant's name	Year of birth	Final judgment(s) to be enforced	Amount awarded (RUB)	Date of enforcement
1.	Mr Vladimir Vasilyeich Agafonov	1948	12 August 2002	472,028	3 December 2004
2.	Mr Aslanbek Kirillovich Badtiev	1965	28 August 2002	533,724	24 November 2004
3.	Mr Vitaliy Borisovich Brtsiev	1949	28 May 2002	361,606	17 December 2004
4.	Mr Vasiliy Vladimirovich Chertkoev	1956	21 November 2001 and 14 June 2002	285,121 and 146,678	16 September and 17 December 2004 respectively
5.	Mr Tengiz Anatolyevich Dzhioev	1970	19 April 2002	287,258	20 September 2004
6.	Mr Magomet Nikolaevich Dzgoev	1953	1 April 2002	533,618	19 November 2004
7.	Mr Ivan Dianozovich Dzebisov	1952	3 April 2002	360,189	24 November 2004
8.	Mr Tamerlan Borisovich Eleyev	1954	28 August 2002	457,898	1 April 2005
9.	Mr Zurab Sergeevich Gobozov	1965	8 April 2002	664,145	3 December 2004
10.	Mr Taimuraz Germanovich Kallagov	1954	26 April 2002	252,187	30 November 2004
11.	Mr Tamerlan Alikovich Kalagov	1970	31 May 2002	245,731.90	1 October 2004
12.	Mr Kazbek Viktorovich Khinchagov	1970	10 June 2002	383,722.02	7 December 2004
13.	Mr Lev Georgievich Koraev	1945	18 May 2002	240,596.97	30 March 2005
14.	Mr Viktor Fedorovich Makiev	1960	14 May 2002	65,216	15 December 2004
15.	Mr Eduard Nikolaevich Moraov	1974	14 May 2002	271,881.41	1 October 2004
16.	Mr Andrei Albertovich Nosov	1964	26 April 2002	321,620	28 October 2004
17.	Mr Aleksandr Albertovich Nosov	1960	19 April 2002	593,386	9 December 2004
18.	Mr Valiko Grafovich Parastaev	1952	25 June 2002	511,596.97	9 December 2004
19.	Mr Akhsarbek Vladimirovich Pukhaev	1949	12 July 2002	262,200	1 October 2004
20.	Mr Mairan[1] Zaurbekovich Ramonov	1938	28 February 2002	469,001.81	30 September 2004

[1] Rectified on 16 September 2014: the text was "Mairam"

21.	Mr Valeriy Ivanovich Suetnov	1958	6 August 2002	525,873	17 September 2004
22.	Mr Alan Grigoryevich Tsallagov	1962	1 July 2002	283,096	27 November 2004
23.	Mr Amiran Davidovich Tsibirov	1963	14 May 2002	360,928.29	17 September 2004
24.	Mr Igor Aleksandrovich Zobov	1968	15 August 2002	252,938.66	10 December 2004
25.	Mr Stanislav Sergeevich Zoloev	1956	12 April 2002	582,156	7 December 2004

Application no. 10441/04

	The applicant's name	Year of birth	Final judgment(s) to be enforced	Amount awarded (RUB)	Date of enforcement
1.	Mr Vladimir Amurkhanovich Darchiev	1946	1 July 2002	631,772	24 December 2004
2.	Mr Lavrentiy Mikhailovich Dzhigkaev	1946	5 June 2002	455,575	22 November 2004
3.	Mr Vasiliy Butskaevich Dzboev	1964	9 August 2002	150,734	28 September 2004
4.	Mr Artur Viktorovich Edziev	1966	28 August 2002	324,177	16 December 2004
5.	Mr Viktor Musaevich Kairov	1964	1 April 2002	92,338	28 April 2005
6.	Mr Valeriy Konstantinovich Kaloev	1950	23 July 2002	651,369	22 November 2004
7.	Mr Grigoriy Konstantinovich Kudukhov	1941	2 August 2002	433,740	8 December 2004
8.	Mr Igor Vladimirovich Kulumbegov	1967	16 August 2002	412,266	16 November 2004
9.	Mr Marlen Sergeevich Sakiev	1966	21 March 2002	328,676.25	28 December 2004
10	Mr Amiran Otarievich Sanakoev	1959	26 August 2002	178,380.31	3 March 2005
11.	Mr Anatoliy Kasabievich Torchinov	1967	31 May 2002	375,180.02	18 October 2004
12.	Mr Anatoliy Viktorovich Tseboev	1971	15 March 2002	329,899.62	5 November 2004
13.	Ms Irma Tristanovna Tsibirashvili	1967	26 August 2002	404,371.74	29 September 2004
14.	Mr Tamerlan Valeryevich Varziev	1969	27 June 2002	61,486.58	24 December 2004
15.	Mr Artur Aleksandrovich Zangiev	1971	12 August 2002	208,798.39	19 November 2004
16.	Mr Oleg Nikolaevich Zangiev	1964	27 September 2002	533,608	8 December 2004