To the European Court
of Human Rights

6 March 2019

Application no. 29384/14
Sergeyev v. Russia

REPLY TO THE GOVERNMENT'S OBSERVATIONS ON ADMISSIBILITY AND THE MERITS, ANSWERS TO QUESTIONS BY THE EUROPEAN COURT OF HUMAN RIGHTS AND JUST SATISFACTION CLAIMS

THE FACTUAL CIRCUMSTANCES OF THE CASE

1. The applicant does not object against the statement of the factual circumstances of the case by the Registry of the European Court of Human Rights (hereinafter, the Court).

2. The applicant objects against the statement of some factual circumstances of the case by the authorities of the Russian Federation (hereinafter, the authorities), set forth in the observations on admissibility and the merits of the application dated January 23, 2019 and received on January 24, 2019. The complainant raises objections against the statement of a number of factual circumstances of the case by the authorities, and wishes to set out his considerations in this regard, which will be spoken of in the following paragraphs.

3. The applicant does not raise any objections against the presented list of judicial decisions and the dates of their rendering, inasmuch as the said court hearings actually did take place, but at the same time the authorities cite the circumstances in such a way as to put themselves in a favorable light, and hush up a number of facts. In view of this, Yuriy Sergeyev would like to additionally present the detailed facts on his case to the Court.

4. Yuriy Sergeyev was born in the Zemetchinsky District of the Penza Region where his mother Yekaterina Nikolayevna Furashova also resided, who died on January 5, 1993 in the same place, in the Zemetchinsky District of the Penza Region of the Russian Federation, which is confirmed by the death certificate.

5. After his mother's death he inherited the following 8 family icons.

1) An icon of Holy Evangelists (also known as the Holy Evangelist's icon), 27x24 cm in size, with all the four Evangelists portrayed in it (described as "with an image of the Holy Gospel"), in a kiot (wooden crate with a glass)

made from yellow metal, in a silver riza, in enamel, covered with gold leaf. The icon had an indication of the date of its making, 1770. This is a very rare icon, like the one that there is in the Church of the Life-Giving Trinity in Gryazi at the Pokrovsky Gate located at: 13 Pokrovka St., Moscow.

2) A rarest icon of Saint Nicholas the Wonderworker, 14x18 cm in size, in a silver riza (with cover), with an image of the Holy Gospel. The icon had an indication of the date of its making, 1793 (the end of the 18th century).
3) An icon of Holy Mother with Child, 17x22 cm in size, in a silver riza and enamel.
4) An icon portraying four saints at a church, 16x17 cm in size, covered with gold leaf.
5) An icon portraying three saints and Holy Mother with Baby (in the center), 18x15 cm in size, covered with gold leaf.
6) An icon portraying a saint, 10x11 cm in size, covered with gold leaf.
7) An icon portraying an unknown saint, 11x8 cm in size, covered with gold leaf.
8) A multifigure icon “Selected Saints” portraying many saints and with an inscription, “The Beginning of Mikhail the Old”, 28x23 cm in size, covered with gold leaf.

6. These 8 icons were a family heirloom and memory of the ancestors of the Sergeyevs who had owned them for an extended period of time, more than 150 years. The icons had been passed on from generation to generation, and were of high spiritual value for the family, as they were used for holding prayer services. Yuriy Sergeyev’s parents, the same as himself and his close relatives, are and have always been deeply religious people, and therefore the loss of these icons is a great sorrow for the whole family.

7. At first, after his mother’s death in 1993 the icons remained in her house, and Yuriy Sergeyev came to his historical homeland from time to time from Rostov-on-Don where he resided. Yuriy Sergeyev’s full sister, Valentina Alekseyevna Furashova, lived near their mother's home and looked after the house and her brother’s belongings.

8. In 2002 it was decided that Yuriy Sergeyev would take the icons to his place of residence in Rostov-on-Don as he was a man and the youngest child in the family, and the icons were considered to be his property that he had inherited. It was assumed that he would start a family of his own and be able to pass the icons on to the next generations.

9. In April 2002 Yuriy Sergeyev took the eight aforementioned icons and one silver plate from his paternal home and headed for his place of residence in Rostov-on-Don. The oval plate was light-colored, with an image of a man (a military commander) wearing a military uniform, with yellow border. One can travel from the Penza Region to the the Rostov Region by train only with a transfer in Moscow.

10. On April 27, 2002 Yuriy Sergeyev got off the train at the railway

station, bought a ticket to Rostov-on-Don, and was already heading to board another train in order to travel home, when he was stopped by militia officers to conduct a check. Despite the fact that he had not committed any offense, he was brought from the Kursky railway station to the DIA (OVD) for the Basmanny District of Moscow where he was placed in a temporary holding cell, and was held there for 3 hours.

11. After that, Major of Militia [redacted] Z[redacted] seized the eight icons and one silver plate from Yuriy Sergeyev, which he drew up a report of. The report was not printed on an official letterhead of the MIA (MVD), but was written by Major of Militia [redacted] Z[redacted] by hand on a sheet of paper, a copy of which was handed to Yuriy Sergeyev. There were two witnesses present during the drawing up of the report, one of them was a homeless man with no passport who was held in the same cell with the complainant, and the second one was a law enforcement officer. Please find enclosed a copy of this report. The icons were not photographed or evaluated.

12. [redacted] Z[redacted] explained to Yuriy Sergeyev that his icons might be stolen property, and the militia had to check the assumption. [redacted] Z[redacted] placed the icons into his metal cabinet located in his office, wrote his telephone number on the reverse side of the photocopy of the report, and told Yuriy Sergeyev to call him in two days' time.

13. After that, Yuriy Sergeyev returned to his home in Rostov-on-Don and called [redacted] Z[redacted] from there after two days, and called him many times from then on. At first, [redacted] Z[redacted] answered that one of the icons had been reported as stolen, then he began stating that the icon was associated with a murder. Then he began inventing all sorts of excuses not to give the icons back, and later he stopped answering the phone at all.

14. Wishing to redeem his rights and to get the icons back, Yuriy Sergeyev first filed a complaint with the chief of the DIA (OVD), but received no reply. Then he filed a complaint with the prosecutor's office, but they remitted his application to the courts and explained to him that he had the right to bring an action before the court. Yuriy Sergeyev filed a petition to the Basmanny District Court of Moscow, but they refused to accept it for hearing for an extended period of time, suspended it, lost the documents, and sent them back. The complainant filed a complaint to the Moscow City Court. Due to the fact that Yuriy Sergeyev resides at a far distance from Moscow, he had to communicate with the court by mail, which took a long time. Finally, the petition was accepted for hearing by the Basmanny District Court of Moscow in 2008.

15. In his petition, Yuriy Sergeyev asked the court to reclaim his icons from unlawful possession by other persons and to pay him a compensation for the moral harm suffered due to his unlawful arrest. The Basmanny District Court of Moscow denied the claimant of getting the icons back by its judgment of December 19, 2008. When making such a judgment, the court was guided by the fact that the necessary documents that were relevant for the consideration of the case had been destroyed by the DIA (OVD) for the Basmanny District. The court

found that as of the moment of the consideration of the case, the DIA (OVD) for the Basmanny District of Moscow did not have the icons and the oval plate seized from Yuriy Sergeyev on April 27, 2002, and they had not been transferred to the specialized authorities for safe-keeping. By virtue of the court decision of March 19, 2009 Yuriy Sergeyev's cassation appeal was dismissed, and the judgment of the Basmanny District Court of Moscow dated December 19, 2008 was affirmed and took legal force. The authorities have presented copies of the said court rulings to the Court.

16. After that, having realized that his belongings had disappeared, Yuriy Sergeyev filed a lawsuit for the recovery of monetary compensation for the financial and moral harm caused to him in relation to the loss of his icons.

17. The Zamoskvoretsky District Court of Moscow dismissed Yuriy Sergeyev's claim for the recovery of compensation for the financial and moral harm by its judgment of November 18, 2009. By virtue of the decision of the Judicial Chamber on Civil Cases of the Moscow City Court dated May 20, 2010, the judgment of the court of first instance was reversed, and the case was remitted to the same court for review. By virtue of the judgment of the Zamoskvoretsky District Court of Moscow dated April 05, 2011, Yuriy Sergeyev's petition concerning the same case was dismissed. By virtue of the decision of the Judicial Chamber on Civil Cases of the Moscow City Court dated August 30, 2011, Yuriy Sergeyev's cassation appeal was rejected, and the judgment of the Zamoskvoretsky District Court of Moscow dated April 05, 2011 was affirmed and took legal force on the same day.

18. After that, Yuriy Sergeyev tried to appeal against the judgment made by the Zamoskvoretsky District Court of Moscow in his case, and the decision of the City Court, over a period of two years. He was denied receipt of copies of the judgments in his case in relation to which he contacted the presiding judge of the District Court many times, as well as appealed to the City Court in relation to an extension of the procedural period for filing a complaint. He also complained to the Commissioner for Human Rights in the Russian Federation.

19. Finally, Yuriy Sergeyev managed to receive copies of the judgments, the procedural period was extended for him, and his cassation appeal was considered. The determination of Judge S. E. Kurtsinsh of the Moscow City Court dated 02 August, 2013 denied remittance of the cassation appeal against the judgment of the Zamoskvoretsky District Court of Moscow dated April 05, 2011 and against the decision of the Judicial Chamber on Civil Cases of the Moscow City Court dated August 30, 2011 for consideration in the courtroom by the court of cassation.

20. After that, Yuriy Sergeyev filed a cassation appeal with the Supreme Court of the Russian Federation. The determination of Judge L. M. Pchelintsev of the Supreme Court of the Russian Federation dated October 28, 2013 also denied remittance of the cassation appeal against the judgment of the Zamoskvoretsky District Court of Moscow dated April 05, 2011 and against the decision of the Judicial Chamber on Civil Cases of the Moscow City Court dated August 30, 2011

for consideration in the courtroom by the Judicial Chamber on Civil Cases of the Supreme Court of the Russian Federation. In his letter No. 5-KF13-3012 of February 5, 2014, Vice President of the Supreme Court of the Russian Federation V. I. Nechayev affirmed the denial of remittance of the cassation appeal for consideration in the courtroom by the court of cassation dated October 28, 2013.

21. After that, on March 11, 2014, Yuriy Sergeyev was necessitated to file a complaint with the European Court of Human Rights (signed on Match 10, 2014), where he stated that he had become a victim of violations of Article 1 of Protocol No. 1 to the Convention and Article 6 § 1 of the Convention.

22. The events set forth above have demoralized Yuriy Sergeyev completely. Without the family icons, he has lost the sense of life, his life priorities and goals have been dramatically displaced. Due to constant exposure to stress and moral sufferings

THE LAW

The admissibility of an application and exhaustion of available effective remedies by applicant

23. In spite of the fact that the Court has never put such a question to the parties, the authorities mention nevertheless in their observations, in accordance with Rule 55 of the Rules of the Court, the applicant's default on the six-month time-limit for access to the courts and failure to use all effective remedies. Such arguments of the respondent Contracting Party cannot be agreed to, therefore Yuriy Sergeyev would like to express his objections in relation to those, and to give responses to the other side's arguments.

24. The authorities' arguments that the complainant began taking measures to defend his rights only at the end of 2008 are without merit. Yuriy Sergeyev began taking active actions since 2002, and at first he reasonably hoped that public officials could not but return his belongings to him, especially as the icons were so precious to him. The icons had been seized by an official person, and the applicant reasonably assumed that there must be a legal process for returning them to him as the lawful owner. Besides that, Z initially convinced him by telephone that an investigation was underway in relation to one of the icons, and he could not document the return. Afterwards, when the complainant understood that the militia officer was deceiving him, and he had been unable to get the icons back for an extended period of time already, he began filing complaints with the chief of the district DIA (OVD), but no reaction followed.

25. After that, Yuriy Sergeyev began applying to court, as evidenced in particular by his procedural appeal dated February 22, 2005 where he stated that in 2004 he had filed yet another lawsuit to the Basmanny District Court of Moscow, which was left without consideration. Consequently, it is reliably known that Yuriy Sergeyev began taking active measures to assert his rights already in

2004.

26. As the applicant did not have a law degree, and most importantly, as there is a long distance between Rostov-on-Don and Moscow, it did not allow him to take quick measures. Besides that, the court received his communications many times but did not send any replies. This is evidenced by the statements obtained by the applicant from the Russian Post for years 2005, 2006, 2007, 2008. It was difficult for the complainant to assert his rights when the court ignored his petitions and did not send him any procedural decisions on the necessity of submitting additional documents for the petition to be accepted for hearing. In the meantime, the representative of the respondent Government misinforms the Court (section III, paragraph 6 of the authorities' observations) stating that no communications were received from the applicant, and at the same time confesses that "no correspondence was held with him".

27. The argument of the respondent Government that Yuriy Sergeyev has not exhausted all remedies available because he did not appeal against the "decision of the inquiry body, inquiry officer, head of the inquiry body, investigator, head of the investigative authority, prosecutor and court" (section III, paragraph 54 of the authorities' observations), is without merit too.

28. As it has been established, Yuriy Sergeyev was not held criminally or administratively liable, therefore no decisions were taken in relation to him within the frames of an official investigation. Major of Militia [redacted] Z[redacted] was not either an inquiry officer or an investigator, did not bring any charge against Yuriy Sergeyev, and did not state that there was any substantiated suspicion against him of committing a crime. No official check was carried out in relation to the applicant himself for his involvement in committing any wrongdoing. In addition to that, the report drawn up by [redacted] Z[redacted] does not contain any indications to the grounds for seizure of the icons or any references to the legislation in force, to the procedural rules. The report actually looks like a receipt of seizure of property drawn up in the presence of two witnesses.

29. In addition, the choice to protect their rights is the prerogative of the applicant. And after his complaints were ignored by the head of the DIA (OVD), the applicant decided to resort to a truly effective way of protecting the right, namely he went to court. When an individual formulates an arguable claim in respect of destruction of property involving the responsibility of the State, the notion of an "effective remedy", in the sense of Article 13 of the Convention, entails, in addition to the payment of compensation where appropriate, a thorough and effective investigation capable of leading to the identification and punishment of those responsible and including effective access by the complainant to the investigative procedure.[1] Thus, complaining about specific action of an official and declaring it illegal is not an effective remedy, while filing a lawsuit to court with relevant claims is an effective remedy.

30. It also cannot be said that the petition to the Basmanny District Court of Moscow (judgment dated December 19, 2008) must be deemed as an effective

1 Esmukhambetov and Others v. Russia, no. 23445/03, § 159, 29 March 2011

remedy for the purposes of Article 13 of the Convention in relation to this case, as Yuriy Sergeyev filed a petition there on a different issue, on the return of his belongings, and he did not yet know that they had gone missing.

31. Article 226, Part 1 of the Civil Procedure Code of the Russian Federation No. 138-FZ of 14.11.2002 states,

> *"In the instances of violating legality, the court has the right to issue a special ruling and to forward it to the corresponding organizations or to the corresponding official persons, which (who) are obliged to inform it of the measures they have taken in the course of one month."*

32. However the Basmanny District Court of Moscow, having determined that the militia officers had committed unlawful actions, did not issue any special ruling in relation to that fact. Therefore, the authorities' arguments that it was necessary for the complainant to initiate prosecution against [redacted] Z[redacted] are clearly unfounded. The only thing that Yuriy Sergeyev wanted was to get his icons back.

33. At the same time, the judgment of the Basmanny District Court of Moscow dated December 19, 2008 established 2 important facts: 1) that the actions of the militia officers of the apprehension of Yuriy Sergeyev and the seizure of the eight icons and one silver plate belonging to him had been unlawful; 2) that Yuriy Sergeyev's belongings (the eight icons and one silver plate) had disappeared.

34. Article 61, Part 3 of the Civil Procedure Code of the Russian Federation No. 138-FZ of 14.11.2002 states,

> *"The circumstances established by the court decision on an earlier considered case, which has entered into legal force, are obligatory for the court. These facts shall not be proved again and shall not be subject to dispute when considering another case in which the same persons are taking part."*

In accordance with the Decree of the Plenum of the Supreme Court of the Russian Federation No. 23 of 19.12.2003 "On Judicial Decisions",

> *"The judicial decision specified in Article 61, Part 2 of the Civil Procedure Code of the Russian Federation shall mean any judicial decision made by the court in accordance with Article 13, Part 1 of the Civil Procedure Code of the Russian Federation (court order, judgment, or ruling)..."*

35. After the fact that the property had gone missing was established by the Basmanny District Court of Moscow (entering into force on March 19, 2009), Yuriy Sergeyev filed another lawsuit to the Tverskoy District Court (remitted to the Zamoskvoretsky District Court as to the appropriate jurisdiction), related to a compensation for the loss of property, which was an effective remedy in this case.

36. Article 195 of the Civil Code of the Russian Federation No. 138-FZ of 14.11.2002 states,

> *"Statute of limitations is a period for the defense of a right at the suit of a citizen whose right has been violated."*

In accordance with Article 196 of the Civil Code of the Russian Federation,

"the general period of limitation shall be established to be equal to three years."

Article 200, Part 1 of the Civil Code of the Russian Federation explains,

"The running of a limitation period shall commence from the day when the person knew or should have known about the violation of his right, and who is the proper defendant in the suit for the defense of this right."

Article 199, Parts 1 and 2 of the Civil Code of the Russian Federation state,

"1. A demand concerning the defense of a violated right shall be accepted by a court irrespective of the expiry of the limitation period.

2. A limitation shall be applied by a court only upon the application of a party to the dispute which was made before the rendering of the court decision."

37. In Yuriy Sergeyev's cases considered both by the Basmanny District Court and by the Zamoskvoretsky District Court of Moscow, neither the defendants or any other persons have filed a petition of applying the consequences of a missed limitation period. When the court denied the plaintiff's claims, the decision was not taken in relation to the missed limitation period but when considering the merits of the case. The said period could not have been claimed by any person in the Zamoskvoretsky District Court because the fact that the belongings had gone missing was established only in the course of the consideration of the case by the Basmanny District Court, and after it entered legal force Yuriy Sergeyev filed a new petition at once. Therefore, the authorities' arguments that the applicant did not use the legal possibility to defend his rights are without merit.

38. The litigations in the courts of the first two instances (the Zamoskvoretsky District Court and the Moscow City Court), in light of the reversal of the first judgment, took two years. After that, Yuriy Sergeyev received the judgments and exercised his right to appeal to the higher court instances for another two years. Finally, this right was exercised in 2013, and his complaints were considered, among others, by the Supreme Court of the Russian Federation.

39. Yuriy Sergeyev began litigating when there was no full-fledged court of appeal yet, and finished it when the court of cassation had been introduced instead of the court of supervision (Federal Law No. 353-FZ of 09.12.2010, in force since January 01, 2012). Therefore, three cassation appeals have been considered in Yuriy Sergeyev's civil case (except for the repeated one), the first one of which is an equivalent of an appeal petition.

40. The final judgment in Yuriy Sergeyev's case was made by the Supreme Court of the Russian Federation on October 28, 2013.

41. Filing cassation appeals to the presidiums of the regional courts of the Russian Federation and the Judicial Chambers of the Supreme Court of the Russian Federation in the manner prescribed by the Civil Procedure Code of the Russian Federation in force since January 1, 2012, is generally a domestic remedy within the meaning of Article 35 § 1 of the Convention.[2]

2 Abramyan and Others v. Russia, nos. 38951/13 and 59611/13, §§ 76-105, 12 May 2015

42. The running of the six-month period for starting a Court action commences from the day when such ruling was made (a copy of it was received).

43. Therefore, when the applicant started a Court action on March 11, 2014 it was done within the six-month time-limit.

44. Consequently, Yuriy Sergeyev's application for violation of his fundamental rights is admissible under Article 35 § 1 of the Convention.

ALLEGED VIOLATION OF ARTICLE 1 OF PROTOCOL No. 1 TO THE CONVENTION

Answers to the Court's question No. 1: ***«Does the loss of the applicant's things (eight icons and one silver plate) seized by the state authorities constitute the failure by the authorities to comply with their obligation to take reasonable measures necessary to preserve the seized property pursuant to Article 1 of Protocol No. 1 to the Convention (see Dzugayeva v. Russia, no. 44971/04, § 27, 12 February 2013)?»***

45. Article 1 of Protocol No. 1 to the Convention reads as follows:

"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."

46. In the present case it is not disputed by the Government, that the applicant was the recognised owner of the eight icons and one silver plate which were impounded by the local authorities. Also, during the national proceeding, it is not disputed by anybody that the eight icons and one silver plate were the property of the applicant. They therefore constituted the applicant's possession within the meaning of Article 1 of Protocol No. 1.

47. In order to assess the conformity of the State's conduct with the requirements of Article 1 of Protocol No. 1, it's necessary to conduct an overall examination of the various interests in issue, having regard to the fact that the Convention is intended to guarantee rights that are "practical and effective", not theoretical or illusory. It must go beneath appearances and look into the reality of the situation at issue, taking account of all the relevant circumstances, including the conduct of the parties to the proceedings, the means employed by the State and the implementation of those means.

48. Article 1 of Protocol No. 1 contains three distinct rules: the first rule, set out in the first sentence of the first paragraph, is of a general nature and enunciates the principle of the peaceful enjoyment of property; the second rule,

contained in the second sentence of the first paragraph, covers deprivation of possessions and subjects it to certain conditions and the third rule, stated in the second paragraph, recognises that States are entitled, amongst other things, to control the use of property in accordance with the general interest. These rules are not, however, unconnected: the second and third concern particular instances of interference with the right to the peaceful enjoyment of possessions and are therefore to be construed in the light of the principle laid down in the first rule.[3]

49. In the present case, it is not generally in dispute that there has been a "deprivation of possessions" with seizure (arrest) within the meaning of Article 1 § 1 of Protocol No. 1, and the following disappearance of those possessions.

50. It's necessary to ascertain whether the impugned deprivation was justified under Article 1 of Protocol No. 1 to the Convention. To be compatible with that provision an expropriation measure must fulfil three conditions: it must be carried out "subject to the conditions provided for by law", which excludes any arbitrary action on the part of the national authorities, must be "in the public interest", and must strike a fair balance between the owner's rights and the interests of the community.

51. It is evident that neither of these conditions was met in this case.

52. The action itself of seizing the eight icons and the silver plate by [redacted] was unlawful as he did not have such a right under the current legislation. Yuriy Sergeyev was not substantiatedly suspected of having committed any offence, and the objects he had on him did not constitute evidence in any criminal or other case, neither were the icons and the plate the subject of any crime (such as stolen property). Therefore, in actual fact there was no "public interest" in the seizure of these icons and plate, much less any balance between the owner's rights and the public interest.

53. The aforesaid argument is confirmed, in particularly, by the copy of the judgment of the Basmanny District Court of Moscow dated December 19, 2008, provided by the authorities, which states (page 4, paragraph 9), "As it has been established by court, Yu. A. Sergeyev was not held administratively or criminally liable, that is, when Yu. A. Sergeyev was brought to the militia control room and searched, and the icons and the oval plate were seized from him, which did not constitute the subject of an administrative offence or material evidence in a criminal case, those actions were performed by the officers of the DIA (OVD) for the Basmanny District of Moscow with no reasonable grounds." When making such a conclusion, the court was guided by Article 244 of the Administrative Offences Code of the Russian Soviet Federative Socialist Republic and Article 81, Part 4 of the Criminal Procedure Code of the Russian Federation in force as of the moment of seizure. Having considered the case, the court also established that all the icons and the plate had gone missing (page 3 of the judgment), for which reason it did not seem possible to reclaim them from the defendant's possession. A copy of this judgment dated December 19, 2008 was also submitted by the applicant together with his application that he filed to the Court on March 11,

3 Vistins and Perepjolkins v. Latvia [GC], no. 71243/01, § 93, 25 October 2012

2014.

54. Any interference by a public authority with the peaceful enjoyment of possessions should be lawful: the second sentence of the first paragraph authorises a deprivation of possessions only “subject to the conditions provided for by law” and the second paragraph recognises that the States have the right to control the use of property by enforcing “laws”.[4] The authorities do not contest that statement (section III, paragraphs 26 of their observations).

55. Under such circumstances, the argument presented by the authorities that “neither the fact of loss of property belonging to the applicant nor its alleged seizure by the state authorities were established” (section III, paragraph 40 of the authorities’ observations) is meritless and inconsistent because these facts have been reliably established by the judgment of the Basmanny District Court of Moscow dated December 19, 2008. In section III, paragraph 20 of their observations, the authorities themselves state that the icons had been seized from Yuriy Sergeyev but were absent from the DIA (OVD) for the Basmanny District of Moscow particularly as of the moment when the case was considered in 2008, but not at the moment when the applicant was taken there in 2002. The authorities also do not contest the fact that Yuriy Sergeyev had eight icons and one plate, and that they were seized from him, in the following paragraphs of their observations: section II, paragraph 1, and section III, paragraphs 16, 17, 19, 20, 24, 27.

56. The fact of property seizure is confirmed both by the court judgment and by the preserved copy of the “Seizure Report of 27.04.02” executed by an official person, Major of Militia [redacted] Z[redacted] who held a public position at a law enforcement agency, namely, a district militia officer at the Department of Internal Affairs for the Basmanny District of Moscow. In spite of the unlawfulness of the procedure, Yuriy Sergeyev did not have a remedial device to hinder a public officer from seizing the icons from him. It was not reliably known to the applicant that [redacted] Z[redacted]'s actions had been unlawful and that his belongings had gone missing, until the judgment was made by the Basmanny District Court of Moscow on December 19, 2008, which took legal force on March 19, 2009.

57. Nevertheless, since the applicant’s property was seized by an official public person under the pretext of “public interest” and the burden was imposed on it (the applicant was not able to dispose of his property), the state body had to ensure the safety of this property, and, if there was no need for further retention of this property, to return it to its rightful owner. The State cannot hold other people's property for an indefinite amount of time, even if it is justified by some kind of investigation.[5]

58. The state shall have responsibility for the safe-keeping and integrity of property belonging to private persons, which is under its control, and shall be obliged to compensate for the damage caused to the property even in the event if the state itself is not implicated in causing the damage.

59. In Dzugayeva v. Russia, no. 44971/04, § 27, 12 February 2013, the

4 Iatridis v. Greece [GC], no. 31107/96, § 58, ECHR 1999-II

5 Patrikova v. Bulgaria, no. 71835/01, 4 March 2010

Court observed that the State failed to properly protect the applicant's property from damage and/or loss. In reaching this conclusion, the Court indicated that when the authorities seized the applicant's property, they also took on a duty of care in respect of it. The Government are, in such circumstances, required to attempt to rebut the applicant's allegation that the local authorities negligently allowed her property to be damaged and/or lost. However, neither the government bodies in the course of the domestic proceedings nor the Government in the proceedings before the Court proffered any explanation or denial of negligence on the part of the local authorities. There is a similar situation in the present case.

60. Thus, it is possible to make an obvious conclusion that the loss of the applicant's things (eight icons and one silver plate) seized by the state authorities constitutes the failure by the authorities to comply with their obligation to take reasonable measures necessary to preserve the seized (arrested) property pursuant to Article 1 of Protocol No. 1 to the Convention.

Answers to the Court's question No. 2: ***«Does the refusal of the domestic courts to award compensation to the applicant for pecuniary damage due to the loss of the things by the disappearance, on the sole ground that the applicant could not specify the exact value of the missing things, constitute the violation of the applicant's right to respect for his property pursuant to Article 1 of Protocol No. 1 (Dzugayeva v. Russia, no. 44971/04, §§ 25-29, 12 February 2013, and also, mutatis mutandis, Novikov v. Russia, no. 35989/02, §46, 18 June 2009, Tendam v. Spain, no. 25720/05, §§ 51-57, 13 July 2010, and OOO KD-Konsalting v. Russia, no. 54184/11, §§ 57-59, 29 May 2018)?»***

61. When dismissing Yuriy Sergeyev's claims, the Zamoskvoretsky District Court of Moscow mentioned that the complainant was not able to provide any proof of the precise value of his missing belongings. In so doing, the court left out of consideration the facts established by the Basmanny District Court, the copy of the seizure report dated April 27, 2002, the statements of witnesses Ye. V. Frantsuzov and S. D. Sukmanov, and the explanations presented by Yuriy Sergeyev himself who gave an accurate description of his icons and specified their approximate value.

62. In section III, paragraph 43 of their observations, the authorities misinform the Court stating that the applicant had presented some additional seizure report regarding disputed property to the Zamoskvoretsky District Court of Moscow but did not present it to the Court. The only document that had been issued to the applicant after the seizure of his belongings was the copy of property seizure report dated April 27, 2002, which was presented both to the courts of the Russian Federation and to the Court with regard to this case. The said document was produced by [redacted] Z[redacted] in person, with the use of carbon paper, and [redacted] Z[redacted] wrote his last name, first name and patronymic, as well as his

telephone number, on the reverse side of that copy with a ball-point pen, with his own hand. The original copy of the seizure report was kept by [redacted] Z[redacted]

63. The fact of seizure of the icons and the plate was reliably confirmed, but the loss of possibility to provide proof of the value of the missing belongings does not entitle the state to refuse to pay compensation for material damage.

64. In the case Novikov v. Russia, no. 35989/02, §46, 18 June 2009, it says «...in Karamitrov and Others v. Bulgaria (no. 53321/99, § 77, 10 January 2008) the Court considered with reference to Article 13 of the Convention that "when the authorities seize and hold chattels as physical evidence the possibility should exist in domestic legislation to initiate proceedings against the State and to seek compensation for any damage resulting from the authorities' failure to keep safe the said chattels in reasonably good condition" (compare Islamic Republic of Iran Shipping Lines v. Turkey, no. 40998/98, §§ 87, 96-103, ECHR 2007-...; Immobiliare Saffi v. Italy [GC], no. 22774/93, §§ 46 and 57, ECHR 1999-V; Urbárska Obec Trenčianske Biskupice v. Slovakia, no. 74258/01, § 126, ECHR 2007-... (extracts), and Housing Association of War Disabled and Victims of War of Attica and Others v. Greece, no. 35859/02, § 39, 13 July 2006).» Moreover, such procedure must be effective, so that the innocent owner could protect his property.

65. Yuriy Sergeyev asked to return his property, but the court responded, "Yes, your belongings had been seized by a government body but it has gone missing." Then the complainant filed a petition to another court to demand for compensation for the loss of property, where he was told, "You have not proven the value of the property seized from you by the state, therefore you are not entitled to a compensation for the harm caused." It is obvious that there is no full-fledged instrument to demand for compensation of financial damage from the state for seized and lost property.

66. Where an individual's property has been expropriated, there should be a procedure ensuring an overall assessment of the consequences of the expropriation, including the award of an amount of compensation in line with the value of the expropriated property, the determination of the persons entitled to compensation and the settlement of any other issues relating to the expropriation. As to the amount of the compensation, it must normally be calculated based on the value of the property at the date on which ownership thereof was lost. Any other approach could open the door to a degree of uncertainty or even arbitrariness.[6]

67. In this case, the applicant was deprived of the right to have his property appraised, all the more so as icons are items of property that cannot be appraised in a simple way. The police cannot seize icons from a church or a museum for no reason, consequently, icons cannot be taken from a citizen or from any owner in a usual manner. The Russian court has considered the applicant's case, but as the final result he did not get either the icons or a fair compensation.

68. In Dzugayeva v. Russia, no. 44971/04, §§ 25-29, 12 February 2013, the Court highlighted that the violation of the right to peaceful enjoyment of

6 Volchkova and Mironov v. Russia, nos. 45668/05 and 2292/06, § 113(111), 28 March 2017

possessions is not only action but also could be the inaction of the State.

69. Genuine, effective exercise of the right protected by Article 1 of Protocol No. 1 does not depend merely on the State's duty not to interfere, but may require positive measures of protection, particularly where there is a direct link between the measures an applicant may legitimately expect from the authorities and effective respect of his possessions.[7]

70. No government official ever contacted Yuriy Sergeyev in relation to returning his icons, and no measures were taken by the government authorities to return the property to its lawful owner. Z[redacted] never tried to return the seized icons either; moreover, he still works at the law enforcement agencies to the present day (the authorities have presented a record of his interview dated December 10, 2018).

71. The refusal of the Russian courts to award at least some compensation for material damage in the presence of the established fact of the seizure and disappearance of the icons is a violation of the applicant's right. Any compensation the applicant might receive would be relevant for the evaluation of his losses, potentially for the purposes of Article 41 of the Convention.[8]

72. In Tendam v. Spain, no. 25720/05, §§ 15-57, 13 July 2010, the Court reminded once again that the detention of property seized by the authorities during the proceedings must be examined in terms of the right of the State to regulate the use of property in accordance with the public interest, within the meaning of the second paragraph of Article 1 of Protocol No. 1.[9] But there must also be a reasonable relation of proportionality between the means employed and the aim sought to be realised by any measures applied by the State, including measures designed to control the use of the individual's property. That requirement is expressed by the notion of a "fair balance" that must be struck between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights. In the case of Tendam v. Spain the Court found a right violation of the applicant whose property was arrested during the criminal proceedings, the property was subsequently damaged, and the national courts refused to pay compensation due to the applicant's failure to prove the extent of the damage caused to him.

73. In considering a Tendam v. Spain case, the Court concluded (§§ 53-54) that the burden of proof in relation to the situation with the missing or degraded property, which was seized (encumbered), lies on the government official (or the administration of justice), which is responsible for the preservation of the property during the whole period of the seizure, and not on the applicant.

74. In the present case, "Sergeyev v. Russia", the authorities do not provide any intelligible explanation of why the property was not assessed during seizure, for what reasons it disappeared altogether, and what is the approximate

7 Oneryildiz v. Turkey [GC], no. 48939/99, § 134, ECHR 2004-XII

8 Gladysheva v. Russia, no. 7097/10, § 81, 6 December 2011

9 Smirnov v. Russia, no. 71362/01, § 54, ECHR 2007-VII; Adamczyk v. Poland, no. 28551/04, 7 November 2006; Borzhonov v. Russia, no. 18274/04, § 57, 22 January 2009

value of this property in their opinion. The authorities have not proven their innocence. The authorities submitted a copy of the text of the decision of December 19, 2008 and a copy of the text of the determination of March 19, 2009 and as you can see, these are copies of the judicial acts from the civil case file themselves (there are the sheet numbers of the case file in the upper right corner, and the copies are signed by the judges but are not sealed). However, the authorities do not provide the Court with a copy of the entire case, although it is obvious that they have access to it. The authorities should have to submit all copies of both court cases for a more objective trial before the Court. At the same time, it is difficult for Yuriy Sergeyev, since he lives in Rostov-on-Don.

75. The Court already explained that any seizure or confiscation entails damage, however, the actual damage sustained should not be more extensive than that which is inevitable.[10] But at the same time the "innocent" owner of smuggled goods should in principle be entitled to recover the forfeited items where such an owner is acquitted of smuggling.[11] When judiciary, prosecutors and law enforcement agencies seize property, they must take the reasonable measures necessary to preserve it, in particular by drawing up a list of property and its condition at the time of withdrawal and upon return to its innocent owner. Besides, when the authorities seize and hold chattels the possibility should exist in domestic legislation to initiate proceedings against the State and to seek compensation for any damage resulting from the authorities' failure to keep safe the said chattels in reasonably good condition.[12]

76. Yuriy Sergeyev did not have an adequate possibility to present his case to competent authorities in order to contest the measures violating his ownership rights, in such a manner as to establish the real value of the property seized from him. The property was not appraised when seized, proper custody of the property was not ensured, no attempts to return the property to the applicant were made either.

77. In OOO KD-Konsalting v. Russia, no. 54184/11, §§ 57-59, 29 May 2018, the Court concluded that the material evidence must not be the subject of unlimited retention period and in some cases may be returned to its rightful owners before the end of the criminal investigation, but since the applicant was unable for several years to institute proceedings against the state in order to prove that the authorities failed to comply with their obligations to protect property and to claim the compensation for their violation, then Article 1 of Protocol No. 1 to the Convention was violated. There is a similar situation in the present case. Moreover, there was no reason for the authorities to seize the property of Yuriy Sergeyev at all, and the state, having taken his property, should have returned it to the applicant as soon as possible. The status of the Yuriy Sergeyev's property was unknown for more than 6 years, and only after that he was able to initiate a compensation procedure for material damage due to the loss of his property, but

10 Raimondo v. Italy, 22 February 1994, § 33, Series A, N 281-A
11 Jucys v. Lithuania, no. 5457/03, § 36, 8 January 2008
12 Karamitrov and Others v. Bulgaria, no. 53321/99, § 77, 10 January 2008

even this was denied to him.

78. Thus, it is safe to say that the refusal of the domestic courts to award compensation to the applicant for pecuniary damage due to the loss of the things by the disappearance, on the sole ground that the applicant could not specify the exact value of the missing things, constitutes the violation of the applicant's right to respect for his property pursuant to Article 1 of Protocol No. 1.

79. The above comes the applicant to the conclusion that there has been a violation of Article 1 of Protocol No. 1 to the Convention in the present case.

ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

80. In his application to the Court on March 11, 2014, Yuriy Sergeyev also points to the violation of his rights under Article 6 § 1 of the Convention, which reads, *"In the determination of his civil rights and obligations ..., everyone is entitled to a fair ... hearing within a reasonable time by an independent and impartial tribunal ..."*

81. The litigation in Yuriy Sergeyev's case has exceeded all reasonable time frames.

82. Almost 7 years passed from the day when his property was seized (April 27, 2002) till the day when the judgment of the Basmanny District Court of Moscow of December 19, 2008 took legal force (March 19, 2009). Therefore, this is how long it took for the authorities to establish the fact that Yuriy Sergeyev's belongings had gone missing.

83. In the time following, the litigation itself, with the use of efficient legal remedies for the purposes of receiving compensation for the financial and moral harm, dragged on for more than 4 more years. The fact that all Yuriy Sergeyev's cassation appeals were considered on the merits, evidences that the time limits were extended for the applicant for valid reasons, and had been omitted through the fault of the courts.

84. Article 6 of the Convention does not oblige Contracting States to create appeal or cassation courts. However, if such judicial bodies were established, the judicial proceedings conducted therein should provide the guarantees stipulated in Article 6 of the Convention.[13]

85. The right of access to a court entails the entitlement to receive adequate notification of judicial decisions, particularly in cases where an appeal might be sought within a specified time-limit.[14]

86. The courts provided the applicant with an opportunity to appeal against the judgments made in his case within the time period commencing from the day when the applicant was able to become familiar with the contents of the full text of the judgment. But alongside with that, it took more than 2 years to appeal against the judgment of August 30, 2011 instead of the 6 months prescribed by the general rule. The time limits for litigation in the courts of first instance were also

13 Chatellier v. France, no. 34658/07, § 35, 31 March 2011

14 Zavodnik v. Slovenia, no. 53723/13, § 71, 21 May 2015

breached, and exceeded the 2 months established by the Russian legislation. The entire litigation in the latest case took more than 4 years, and the defense of rights since the day of seizure of the icons took more than 11 years.

87. The purpose of the exhaustion rule is to afford the Contracting States the opportunity of preventing or putting right – usually through the courts – the violations alleged against them before those allegations are submitted to the Court. Consequently, States are dispensed from answering for their acts before an international body before they have had the opportunity to put matters right through their own legal system. That rule is based on the assumption, reflected in Article 13 of the Convention – with which it has close affinity – that there is an effective remedy available in respect of the alleged breach in the domestic system. In this way, it is an important aspect of the principle that the machinery of protection established by the Convention is subsidiary to the national systems safeguarding human rights.[15]

88. The applicant's exhaustion of effective remedies for more than 11 years is a clear violation of his right to a reasonable time for the proceedings within the meaning of Article 6 § 1 of the Convention.

89. The "reasonableness" of the length of proceedings must be assessed in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the conduct of the applicant and the relevant authorities and what was at stake for the applicant in the dispute.[16]

90. Neither the complexity of the case nor the actions of the applicant explain the length of the proceedings in the case of Yuriy Sergeyev. The length of the proceedings was excessive and did not meet the requirements of a reasonable time.

91. It is for Contracting States to organise their legal systems in such a way that their courts can guarantee the right of everyone to obtain a final decision on disputes relating to civil rights and obligations within a reasonable time.[17]

THE APPLICANT'S VICTIM STATUS

92. According to Article 34 of the Convention, *"the Court may receive applications from any person ... claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in the Convention or the Protocols thereto"*.

93. It falls first to the national authorities to redress any alleged violation of the Convention. In this regard, the question whether or not the applicant can claim to be a victim of the violation alleged is relevant at all stages of the

15 Handyside v. the United Kingdom, 7 December 1976, § 48, Series A, N 24; Akdivar and Others v. Turkey, 16 September 1996, § 65, Reports of Judgments and Decisions 1996-IV; Fressoz and Roire v. France [GC], no. 29183/95, § 37, ECHR 1999-I

16 Comingersoll S.A. v. Portugal [GC], no. 35382/97, § 19, ECHR 2000-IV; Silva Pontes v. Portugal, 23 March 1994 r., Series A, N 286-A, p. 15, § 39

17 Caillot v. France, no. 36932/97, § 27, 4 June 1999; Frydlender v. France [GC], no. 30979/96, § 45, ECHR 2000-VII

proceedings under the Convention.[18]

94. A decision or measure favourable to the applicant is not in principle sufficient to deprive him of his status as a "victim" unless the national authorities have acknowledged, either expressly or in substance, and then afforded redress for, the breach of the Convention.[19]

95. Turning to the facts of the present case, the applicant was paid only 5,000 rubles for violating his rights related to his detention by the police, but he was not compensated for either the value of his property or the moral damage associated with the disappearance of his property - the court dismissed the claim. The authorities still do not acknowledge the fact of a violation of the Convention. In these circumstances, the applicant may still claim to be a victim of a violation of Article 1 of Protocol No. 1 to the Convention and Article 6 § 1 of the Convention.

JUST SATISFACTION CLAIMS

96. 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."*

97. Yuriy Sergeyev has incurred legal expenses on litigation in the Russian courts, particularly the expenses on paying the state duty for the consideration of his case, without the payment of which no proceedings in a civil case would be initiated and no complaint would be accepted for hearing.

98. The applicant paid the state duty in the amounts of 100 RUB and 20,000 RUB on June 30, 2008, which is confirmed by the copy of the payment receipts. Of these amounts, the Basmanny District Court of Moscow collected only 100 RUB in his favor. The amount of 20,000 RUB counted towards the consideration of the case in the Zamoskvoretsky District Court of Moscow where his petition was dismissed but had been considered on the merits.

99. In accordance with Article 333.19 of the Tax Code of the Russian Federation (Part II) No. 117-FZ of 05.08.2000, revision No. 54 of 28.04.2009 (the revision entered into force on 05.05.2009), which was in force on the day when Yuriy Sergeyev filed his petition to the Zamoskvoretsky District Court of Moscow, the maximum amount of state duty for the consideration of a property-related statement of claim was equal to 20,000 roubles. Article 333.19, Part 1, Paragraph 1 of the Tax Code states,

> *"1. For cases which are examined by courts of general jurisdiction and by magistrates, State duty shall be paid at the following rates:*
> *1) upon the filing of a property-related statement of claim having a quantifiable value, where the amount of the claim is:*

18 E. v. Austria, 13 May 1987, no. 10668/83, Decisions and Reports (DR) 52, p. 177

19 Amuur v. France, 25 June 1996, Reports of Judgments and Decisions 1996-1 II, p. 846, § 36 and Dalban v. Romania [GC], no. 28114/95, § 44, ECHR 1999-VI

...
above 500,000 roubles – 6,600 roubles plus 0,5 per cent of the amount in excess of 500,000 roubles, but no more than 20,000 roubles;
...
3) upon the filing of a property-related statement of claim which does not have a quantifiable value, or a statement of claim of a non-property-related nature:
for physical persons - 100 roubles;
...
9) upon the filing of an appellate appeal and (or) a cassation appeal - 50 per cent of the rate of State duty which is payable upon the filing of a non-property-related statement of claim;"

100. For his case to be considered by the Zamoskvoretsky District Court of Moscow, Yuriy Sergeyev paid 20,000 roubles for the claim for recovery of material damage in the amount of 8,500,000 roubles (which was equal to approximately 200,000 euros in 2009) and 100 roubles for the claim for compensation of moral harm in the amount of 5,000,000 roubles.

101. On May 20, 2010 the Judicial Chamber on Civil Cases of the Moscow City Court considered the applicant's cassation appeal against the judgment of November 18, 2009. Yuriy Sergeyev paid 50 roubles for the consideration of his complaint (revision No. 63 of the Tax Code of the Russian Federation of 25.11.2009).

102. On August 30, 2011 the Judicial Chamber on Civil Cases of the Moscow City Court considered the applicant's cassation appeal against the judgment of April 05, 2011. Yuriy Sergeyev paid 100 roubles for the consideration of his complaint (revision No. 89 of the Tax Code of the Russian Federation of 07.03.2011).

103. On May 23, 2013 the Moscow City Court received the applicant's cassation appeal which was considered on August 02, 2013, and on October 28, 2013 the cassation appeal was also considered by a judge of the Supreme Court of the Russian Federation. Yuriy Sergeyev paid 100 roubles for the consideration of each complaint (revision No. 128 of the Tax Code of the Russian Federation of 07.05.2013 and No. 137 of 23.07.2013).

104. The total sum of the state duty alone which Yuriy Sergeyev has paid for the consideration of his case by the Russian courts amounted to 20,450 roubles (20,000 + 100 + 50 + 100 + 100 + 100). Had those expenses not been incurred, the applicant would not have been able to turn to the Court.

105. Yuriy Sergeyev also incurred expenses on traveling from Rostov-on-Don to Moscow, accommodation and meals, as well as postal expenses associated with the exchange of communications with the courts and filing his complaints. Many of these documents are contained in the materials of the civil cases which are in Russian courts. The applicant estimates the total amount of legal costs and fees at 15,000 euros.

106. The applicant continues to estimate the amount of pecuniary damage

at 200,000 euros, and the amount of compensation for non-pecuniary damage at 30,000 euros per each violation committed by the respondent State. In this context, Yuriy Sergeyev asks the Court to take into account the high spiritual value of the missing icons for him, as well as the fact that he has [redacted] as the result of the aforementioned events. Also, as the Russian courts have refused to award any compensation whatsoever for the harm caused to him, the applicant deems it necessary to be guided by the amount of his claim (8,500,000 roubles) in assessing his losses.

107. Therefore, the applicant believes that his claims for award of just satisfaction to him by the respondent State in the amounts initially specified by him in the application he filled to the Court on March 10, 2014, must be granted.

In view of the foregoing, Yuriy Sergeyev

SUBMITS

that applicant's application for violation of his rights, guaranteed by Article 1 of Protocol No. 1 to the Convention and Article 6 § 1 of the Convention, is admissible and well-founded within the meaning of Article 35 of the Convention;

ASKS:

1) to hold that the applicant may claim to be a “victim” for the purposes of Article 34 of the Convention;

2) to hold that there has been a violation of Article 1 of Protocol No. 1 to the Convention;

3) to hold that there has been a violation of Article 6 § 1 of the Convention;

4) to hold that the respondent State is:

(a) to pay the applicant EUR 200,000 (two hundred thousand euros) in respect of pecuniary damage, plus any tax that may be chargeable;

(b) to pay the applicant EUR 30,000 (thirty thousand euros) in respect of non-pecuniary damage, related to violation of Article 1 of Protocol No. 1 to the Convention, plus any tax that may be chargeable;

(c) to pay the applicant EUR 30,000 (thirty thousand euros) in respect of non-pecuniary damage, related to violation of Article 6 § 1 of the Convention, plus any tax that may be chargeable;

(d) to pay the applicant EUR 15,000 (fifteen thousand euros) in respect of costs and expenses, plus any tax that may be chargeable.

Annex:

1) Copy of Birth Certificate of Yuriy Sergeyev dated March 30, 1960;
2) Copy of the Death Certificate of Valentina Alekseyevna Furashova dated January 21, 1993 (two pages);
3) Copy of the Seizure Report dated April 27, 2002 with a back side (two pages):
4) Copy of procedural appeal dated February 22, 2005 (referred to the Basmanny

District Court of Moscow 22 February, 2005);
5) Copy of the reply of the Rostov-on-Don post office dated July 29, 2005;
6) Copy of the list of registered letters dated July 20, 2006;
7) Copy of the reply of the Rostov-on-Don Post Office dated November 28, 2006;
8) Copy of the reply of the Rostov-on-Don Post Office dated June 9, 2007;
9) Copy of the reply of the Rostov-on-Don Post Office dated June 25, 2008;
10) Copy of the decision of the Judicial Chamber on Civil Cases of the Moscow City Court dated March 27, 2008;
11) Copy of the determination of the Basmanny District Court of Moscow dated 11 July 2008;
12) Copy of two receipts for payment of state duty for 100 roubles and for 20,000 roubles dated June 30, 2008;
13) Copy of the determination of the Basmanny District Court of Moscow dated August 18, 2008;
14) Copy of the statement of claim to the Tverskoy District Court of of Moscow dated May 22, 2009, received on May 29, 2009 (four pages);
15) Copy of the judgment of the Zamoskvoretsky District Court of Moscow dated November 18, 2009 (three pages);
16) Copy of the decision of the Judicial Chamber on Civil Cases of the Moscow City Court dated May 20, 2010 (three pages);
17) Copy of the complaint of Yuriy Sergeyev to the Zamoskvoretsky District Court on March 11, 2011 (two pages);
18) Copy of the judgment of the Zamoskvoretsky District Court of Moscow dated April 05, 2011 (four pages);
19) Copy of the decision of the Judicial Chamber on Civil Cases of the Moscow City Court dated August 30, 2011 (four pages);
20) Copy of the application of Yuriy Sergeev to the Zamoskvoretsky District Court dated December 10, 2011 (two pages);
21) Copy of the application of Yuriy Sergeev to the Moscow City Court dated December 10, 2011 (two pages);
22) Copy of the complaint of Yuriy Sergeev dated March 20, 2012 (two pages);
23) Copy of the statement of Yuriy Sergeyev dated May 28, 2012 (three pages);
24) copy of the complaint of Yuriy Sergeev dated July 2, 2012 (three pages);
25) copy of the complaint of Yuriy Sergeev dated August 13, 2012 (two pages);
26) Copy of the complaint of Yuriy Sergeev dated August 13, 2012 (two pages);
27) Copy of the statement of Yuriy Sergeev on October 19, 2012;
28) Copy of the response of the Commissioner for Human Rights in the Russian Federation of October 22, 2012;
29) Copy of the statement of Yuriy Sergeev on October 22, 2012;
30) Copy of the complaint of Yuriy Sergeev to the Chairman of the Supreme Court of the Russian Federation dated January 17, 2013 (two pages);
31) Copy of the determination of Judge S. E. Kurtsinsh of the Moscow City Court dated 02 August, 2013 (five pages);
32) Copy of the determination of Judge L. M. Pchelintsev of the Supreme Court

of the Russian Federation dated October 28, 2013 and cover letter (three pages);
33) Copy of the certificate from Auction House Gelos LLC dated October 05, 2010 with an attachment (seven pages);
34) Copy of diploma of education of Yuriy Sergeyev;
35) Copy of [redacted]

Representative of Yuriy Sergeyev

Alexey Derkach