

“ON COMPENSATION FOR INFRINGEMENT OF THE RIGHT TO THE JUDICIAL PROCEEDINGS CONDUCT WITHIN REASONABLE TIME OR RIGHT TO THE JUDICIAL ACT ENFORCEMENT WITHIN REASONABLE TIME” (FL No. 68 of April 30, 2010)

Article 1. Right to compensation for infringement of the right to the judicial proceedings conduct within reasonable time or right to the judicial act enforcement within reasonable time

1. Citizens of the Russian Federation, foreign citizens, stateless persons, Russian, foreign and international organizations, which represent the parties to the trial or third parties making independent claims with reference to the subject of dispute, recoverers, debtors as well as suspects, charged, accused, convicted, acquitted persons, victims, civil claimants, civil defendants in the criminal proceedings, in the events stipulated by the federal law, other interested persons with infringement of their right to the judicial proceedings conduct within reasonable time or right to enforcement of the judicial act, which envisages application of the recovery to the budget funds of the budget system of the Russian Federation, within reasonable time may apply to the court, arbitration court with a claim for awarding the compensation for such infringement according to the procedure set by this Federal Law and procedural laws of the Russian federation.

2. The compensation for infringement of the right to the judicial proceedings conduct within reasonable time or right to the judicial act enforcement within reasonable time shall be awarded if such infringement took place due to the reasons beyond the control of the person who applied with a claim for awarding the compensation (further – the applicant) with the exception of extraordinary and unavoidable circumstances in the given conditions (force majeure). In so doing, violation of the time period set by the laws of the Russian Federation for consideration of the case or enforcement of the judicial act in itself does not imply any infringement of the right to the judicial proceedings conduct within reasonable time or right to the judicial act enforcement within reasonable time.

3. The compensation for infringement of the right to the judicial proceedings conduct within reasonable time or right to the judicial act enforcement within reasonable time shall be awarded irrespective of fault or no fault of the court, criminal prosecution bodies, bodies in charge of enforcement of the judicial acts, other bodies of state authority, local self-government bodies and their officials.

4. Award of the compensation for infringement of the right to the judicial proceedings conduct within reasonable time or right to the judicial act enforcement within reasonable time shall not impede satisfaction for injury according to Articles 1069, 1070 of the Civil Code of the Russian Federation. Award of the compensation for infringement of the right to the judicial proceedings conduct within reasonable time or right to the judicial act enforcement within reasonable time shall deprive the interested person of the right to compensation for moral losses caused by the said infringement.

5. When applying with a claim for compensation for infringement of the right to the judicial proceedings conduct within reasonable time or right to the judicial act enforcement within reasonable time, the state tax shall be paid according to the procedure and in the amount envisaged by the laws on taxes and duties.

6. The bodies authorized according to this Federal Law to act on behalf of the Russian Federation, subject of the Russian Federation, municipal entity in satisfaction of judgment of the court, arbitration court on award of compensation for infringement of the right to the judicial proceedings conduct within reasonable time or right to the judicial act enforcement within reasonable time, shall have the right to take recourse upon the body or official found guilty of such infringement.

Article 2. Form and amount of compensation for infringement of the right to the judicial proceedings conduct within reasonable time or right to the judicial act enforcement within reasonable time

1. The compensation for infringement of the right to the judicial proceedings conduct within reasonable time or right to the judicial act enforcement within reasonable time shall be awarded by the court, arbitration court in monetary form.

2. Amount of the compensation for infringement of the right to the judicial proceedings conduct within reasonable time or right to the judicial act enforcement within reasonable time shall be determined by the court, arbitration court basing on the applicant's claims, facts of the case in respect of which the infringement was admitted, duration of the infringement, significance of its consequences for the applicant and with reference to the principles of reasonableness, justice and practice of the European Court of Human Rights.

Article 3. Procedure of submission of claim for awarding the compensation for infringement of the right to the judicial proceedings conduct within reasonable time or right to the judicial act enforcement within reasonable time and specifics of its consideration

1. The claim for awarding the compensation for infringement of the right to the judicial proceedings conduct within reasonable time shall be submitted to:

1) court of general jurisdiction, if the claim for awarding the compensation for infringement of the right to the judicial proceedings conduct within reasonable time is attributable to long-time judicial proceedings at the court of general jurisdiction, long-time prejudicial proceedings of criminal cases;

2) arbitration court, if the claim for awarding the compensation for infringement of the right to the judicial proceedings conduct within reasonable time is attributable to long-time judicial proceedings at the arbitration court.

2. The claim for awarding the compensation for infringement of the right to the judicial act enforcement within reasonable time shall be submitted to:

1) court of general jurisdiction, if the claim for awarding the compensation for infringement of the right to the judicial act enforcement within reasonable time is attributable to long-time non-enforcement of the judicial act of the court of general jurisdiction;

2) arbitration court, if the claim for awarding the compensation for infringement of the right to the judicial act enforcement within reasonable time is attributable to long-time non-enforcement of the judicial act of the arbitration court.

3. The claim for awarding the compensation for infringement of the right to the judicial proceedings conduct within reasonable time or right to the judicial act enforcement within reasonable time shall be considered, as the court of first instance, by:

1) supreme court of the republic, territorial court, regional court, court of the city of federal importance, court of the autonomous region, court of the autonomous area, military district (navy) court – for the cases under jurisdiction of the justices of the peace, district courts, military courts of garrisons;

2) Supreme Court of the Russian Federation - for the cases under jurisdiction of the federal courts with the exception of the district courts and military courts of garrisons;

3) federal arbitration court of the district.

4. The claim for awarding the compensation for infringement of the right to the judicial proceedings conduct within reasonable time may be stated in the petition for review of the judicial acts of the arbitration courts by ways of supervision.

5. The claim for awarding the compensation for infringement of the right to the judicial proceedings conduct within reasonable time may be submitted to the court, arbitration court:

1) within a six-month period from the effective date of the last judicial act adopted for the case in respect of which the infringement was admitted;

2) before completion of the proceedings for the case in respect of which the infringement was admitted, if duration of the proceedings for the given case exceeded three years and the applicant has previously submitted a notice requesting expedition of the proceedings according to the procedure envisaged by the procedural laws of the Russian Federation.

6. The claim for awarding the compensation for infringement of the right to the criminal proceedings conduct within reasonable time may be submitted to the court within a six-month period from the effective date of the sentence or court ruling adopted for the case or another judgment passed to discontinue the criminal proceedings.

7. If the suspected or accused person is identified, the claim for awarding the compensation for infringement of the right to the criminal proceedings conduct within reasonable time may be submitted before discontinuance of the criminal prosecution or before the effective date of the court sentence, if duration of the

proceedings for the criminal case exceeded four years and the applicant has previously submitted a notice requesting its expedition according to the procedure envisaged by the criminal-procedural laws of the Russian Federation.

8. The claim for awarding the compensation for infringement of the right to the judicial act enforcement within reasonable time may be submitted to the court, arbitration court before completion of the proceedings for the judicial act enforcement but not earlier than six months from the day of expiration of the time set by the federal law for the judicial act enforcement or not later than six months from the day of completion of the proceedings for the judicial act enforcement.

9. When the court considers the claim for awarding the compensation for infringement of the right to:

1) judicial proceedings conduct within reasonable time, the interests of the Russian Federation shall be represented by the Ministry of Finance of the Russian Federation;

2) prejudicial criminal proceedings conduct within reasonable time, the interests of the Russian Federation shall be represented by the Ministry of Finance of the Russian Federation and chief administrator of the federal budget;

3) judicial act enforcement within reasonable time claimed against the Russian Federation, subject of the Russian Federation, municipal entity for satisfaction of the injury caused to an individual or legal entity as a result of illegal action (inaction) of the bodies of state authority, local self-government bodies or their officials, the interests of the Russian Federation, subject of the Russian Federation, municipal entity shall be represented by the corresponding financial body;

4) enforcement within reasonable time of the judicial act, which envisages application of the recovery to the funds of the federal budget, budget of the subject of the Russian Federation, local budget for the financial liabilities of budget institutions, the interests of the Russian Federation, subject of the Russian Federation, municipal entity shall be represented by the corresponding financial body and chief administrator of the funds of corresponding budget.

Article 4. Judgment based on results of consideration of the claim for awarding the compensation for infringement of the right to the judicial proceedings conduct within reasonable time or right to the judicial act enforcement within reasonable time

1. With reference to results of consideration of the claim for awarding the compensation for infringement of the right to the judicial proceedings conduct within reasonable time or right to the judicial act enforcement within reasonable time the court or arbitration court shall pass judgment according to the procedure envisaged by the procedural laws of the Russian Federation.

2. The compensation for infringement of the right to the judicial proceedings conduct within reasonable time shall be awarded at the expense of funds of the federal budget.

3. The compensation for infringement of the right to the judicial act enforcement within reasonable time shall be awarded at the expense of funds of the federal budget, budget of the subject of the Russian Federation, local budget, if such infringement was admitted by the body or organization financed at the expense of funds of the corresponding budget or by the official of that body or organization.

4. The judgment on awarding the compensation for infringement of the right to the judicial proceedings conduct within reasonable time or right to the judicial act enforcement within reasonable time shall be subject to immediate satisfaction.

5. The judgment passed by the court or arbitration court basing on the results of consideration of the claim for awarding the compensation for infringement of the right to the judicial proceedings conduct within reasonable time or right to the judicial act enforcement within reasonable time may be appealed against according to the procedure envisaged by the procedural laws of the Russian Federation.

Article 5. Satisfaction of the judgment on awarding the compensation for infringement of the right to the judicial proceedings conduct within reasonable time or right to the judicial act enforcement within reasonable time

1. The judgment on awarding the compensation for infringement of the right to the judicial proceedings conduct within reasonable time or right to the judicial act enforcement within reasonable time shall be satisfied within a three-month period from the day of its delivery for satisfaction according to the procedure envisaged by the budget laws of the Russian Federation.

2. The judgment on awarding the compensation for infringement of the right to:

1) judicial proceedings conduct within reasonable time shall be satisfied at the expense of funds of the federal budget by the Ministry of Finance of the Russian Federation;

2) enforcement of the judicial act, which envisages application of the recovery to funds of the federal budget, within reasonable time shall be satisfied by the Ministry of Finance of the Russian Federation;

3) enforcement of the judicial act, which envisages application of the recovery to funds of the budget of subject of the Russian Federation or local budget, within reasonable time shall be satisfied by the corresponding financial body.

3. Expenses on the compensation payment under the judgment on awarding the compensation for infringement of the right to the judicial proceedings conduct within reasonable time or right to the judicial act enforcement within reasonable time shall be included in the federal budget, budgets of the subjects of the Russian Federation, local budgets.

Article 6. Entry of this Federal Law into effect

1. This Federal Law shall come into effect on May 4, 2010.

2. Within six month from the effective date of this Federal Law the persons who submitted a complaint to the European Court of Human Rights about the alleged infringement of their right to the judicial proceedings conduct within reasonable time or right to the judicial act enforcement within reasonable time, in respect of which no decision was taken as to its eligibility or on the merits, may apply according to the procedure set by this Federal Law and procedural laws of the Russian Federation to the court, arbitration court with a claim for awarding the compensation for infringement of the right to the judicial proceedings conduct within reasonable time or right to the judicial act enforcement within reasonable time indicating the date of addressing 1 with the complaint to the European Court of Human Rights and the registration number of the complaint.