

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

About This Complaint Form

This complaint form is an official legal document that may affect your rights and obligations. Please follow The Complaint Form Completion Guidelines. Fill in all the fields relating to your complaint and attach all relevant documents.

RUS- 2016/1 Complaint Form

Note. The Court will not accept a complaint form with any required information missing (see Article 47, Rules of the Court). Please be advised that pursuant to Article 47 § 2 (а), facts, alleged violations and information about the compliance with the eligibility criteria MUST be briefly and clearly outlined in the relevant sections of the complaint form itself. The Court must be able to establish the essence and the scope of the complaint based on the completed form, without referring to any annexes or attachments.

**Barcode**

If you have already received the barcode labels from the Court, attach one of them below.

**Complaint Number**

If you know the complaint number assigned by the Court, specify it below.

**А. Complainant**

**А.1. Individual**

This section is for individual complainants only. If the complainant is an organisation, fill in Section A.2.

1. Last name

**А.2. Organisation**

This section is only for commercial and non-profit organisations, other legal entities and non-governmental associations. In this case, also complete Section 0.1.

10. Name

Pugachev

2. Given name (names) and patronymic

Sergey Viktorovich

11. Identification number (if applicable)

3. Date of birth

example: 31/12/1960

0 4

0 2 1

9 6

12. Registration date and authority (if applicable)

d d m m y y y y 4. Place of birth

example: 27/09/2012

D D M M Y Y Y Y 13. Business area

Kostroma, USSR

5. Citizenship

14. Registered address of legal entity

15. Telephone (including country code)

France

6. Address

260 Avenue Gairaut, Nice, France 06100

1. Telephone (including country code) +33 751 965 052

16. Email

Q female

1. Email (if available) [SPugachev.ECHR@gmail.com](mailto:SPugachev.ECHR@gmail.com)

9. Gender • male

|  |  |  |
| --- | --- | --- |
| **B. State/states against which the complaint is being filed** | | |
| 17. Check the box/boxes next to the name of the state/states against which the complaint is being filed | | |
| ALB — Albania | □ | ITA — Italy |
| AND — Andorra | □ | LIE — Liechtenstein |
| ARM — Armenia | □ | LTU — Lithuania |
| AUT — Austria | □ | LUX — Luxembourg |
| АZЕ — Azerbaijan | □ | LVA — Latvia |
| BEL — Belgium | □ | МСО — Monaco |
| BGR — Bulgaria | 1 | MDA — Republic of Moldova |
| BIH — Bosnia and Herzegovina | О | MKD — Former Yugoslav Republic of Macedonia |
| СНЕ — Switzerland | □ | MLT — Malta |
| CYP — Cyprus | □ | MNE — Montenegro |
| CZE — Czech Republic | о | NLD — Netherlands |
| DEU — Germany | о | NOR — Norway |
| DNK — Denmark | □ | POL — Poland |
| ESP — Spain | □ | PRT — Portugal |
| EST — Estonia | о | ROU — Romania |
| FIN — Finland | X | RUS — Russian Federation |
| FRA — France | □ | 5MR — San Marino |
| GBR — Great Britain | □ | SRB — Serbia |
| GEO — Georgia | о | SVK — Slovak Republic |
| GRC — Greece | □ | SVN — Slovenia |
| HRV — Croatia | □ | SWE — Sweden |
| HUN — Hungary | □ | TUR — Turkey |
| IRL — Ireland | о | UKR — Ukraine |
| ISL — Iceland |  |  |

**C. Representative/representatives of an individual complainant**

**At this stage of the Court proceedings, it is not obligatory to appoint an attorney to represent the individual complainant. If the claimant does not have a representative, proceed to Section E.**

**С.2. Attorney**

26. Last name

**If a complaint is filed on behalf of an individual by a representative other than attorney (e.g., a family member, a close acquaintance or a guardian), such representative shall complete Section С.1; if it is filed by an attorney, he/she must complete Section С.2. Section C.3 shall be completed in both cases.**

**С.1. Representative other than attorney**

19. Last name

20. Given name (names) and patronymic

21. Citizenship

18. Relation to the complainant / job title

Samorodkina

27. Given name (names) and patronymic Maria Valeryevna

28. Citizenship — the Russian Federation

29. Address

22. Address: 67000, 22 rue de la 1 ere Armee, Strasbourg, France

|  |  |
| --- | --- |
|  |  |
| 23. Telephone (including country code) | 30. Telephone (including country code) |
|  | +7(916)5051087 |
| 1 24. Fax | 31. Fax |
|  | +333S8361731 |
| 25. Email | 32. Email |
|  | [samorodkina@mail.ru](mailto:samorodkina@mail.ru) |
|  |  |

**С.З. Acceptance of Authority**

The complainant shall authorise a representative to act on his or her behalf and sign the first of the following boxes to this effect; the appointed representative shall accept the authority and sign the second of the following boxes to this effect.

I hereby authorise the above person to act on my behalf during the court proceedings in the European Court of Human Rights concerning my complaint filed subject to Article 34 of the Convention.

34. Date 2 9 0

3 2

0 1

e.g.: 27/09/2015

33. Complainant's signature

DDMMYYYY

I hereby agree to act in the name and on behalf of the complainant during the court proceedings in the European Court of Human Rights concerning his/her complaint filed subject to Article 34 of the Convention.

36. Date 2 9

3 2

0 1

e.g.: 27/09/2015

35. Representative's signature

DDMMYYYY

|  |  |
| --- | --- |
| **D. Representative/representatives of a corporate complainant**  If the complainant is an organisation, it shall be represented in the Court by a person authorised to act in its name and on its behalf (e.g., a properly authorised manager or a company's officer). The representative's data shall be specified in Section D.1.  If a representative authorises an attorney to take conduct of a case in the Court on behalf of the organisation, Sections D.2 and D.3 shall be completed. | |
| D.1. **A company's officer**  37. Relation to the complainant / job title (attach supporting documents) | **D**.2. **Attorney**  45. Last name |
|  |  |
| 38. Last name | 46. Given name (names) and patronymic |
|  |  |
| 39. Given name (names) and patronymic 47. Citizenship | |
|  |  |
| 40. Citizenship | 48. Address |
|  |  |
| 41. Address |
|  |
| 42. Telephone (including country code) | 49. Telephone (including country code) |
|  |  |
| 43. Fax | 50. Fax |
|  |  |
| 44. Email | 51. Email |
|  |  |

**D.3. Acceptance of Authority**

The corporate complainant's representative shall authorise the attorney to act on its behalf and sign the first of the following boxes to this effect; the attorney shall accept the authority and sign the second of the following boxes to this effect.

I hereby authorise the person specified above in Section D.2 to act in the name of the organisation during the case proceedings in the European Court of Human Rights concerning the complaint filed subject to Article 34 of the Convention.

52. Company officer's signature 53. Date

e.g.: 27/09/2015

I J DDMMYYYY

I hereby agree to act in the name and on behalf of the company during the court proceedings in the European Court of Human Rights concerning its complaint filed subject to Article 34 of the Convention.

54. Attorney's signature 55. Date

e.g.: 27/09/2015

1 DDMMYYYY

**Complaint Basis**

This **part of the form (Sections** Е, F **and** G) **shall include all information concerning the facts of the case and the nature of the complaints, and — according to each of the complaints — the eligibility criteria stipulated by Article 35, § 1 of the Convention (exhaustion of domestic remedies and the six-month rule). These Sections cannot be left blank or only include a reference to the attachments. Please, refer to Article 47 § 2 and Submission of Complaint in Court Practical Guide as well as Complaint Form Completion Guidelines.**

**Е. Statement of facts**

**56.**

1. On 30 November, 2010, Moscow City Arbitration Court passed a judgement on case А40-119763/10, declaring International Industrial Bank, CJSC (hereinafter referred to as the “Bank”) insolvent (bankrupt) and appointing State Corporation Deposit Insurance Agency (hereinafter — DIA) as its bankruptcy trustee (Annex # 1).
2. On 2 December, 2013, as part of the above insolvency (bankruptcy) proceedings, DIA made a claim against the complainant Sergey Viktorovich Pugachev to hold him subsidiary liable for the bank's obligations. DIA requested to pursue subsidiary liability on Sergey Viktorovich Pugachev, Marina Yevgenyevna Illarionova, Aleksandr Anatolyevich Didenko and Aleksey Sergeevich Zlobin for the bank's obligations in the amount of RUB 75,642,466,311.39 and order to collect from the above persons for the bank's benefit: jointly and severally from M. Ye. Illarionova and S. V. Pugachev the amount of RUB 68,481,255,000.00; jointly and severally from A. A. Didenko and A. S. Zlobin the amount of RUB 7,161,211,311.39. (Annex # 2).
3. The complainant did not admit the claims made against him (Annexes # 3 and 4).

4. On 16 March, 2015, in addition to the previously stated basis of claims against S. V. Pugachev, the bankruptcy trustee cited new facts, specifically that S. V. Pugachev took steps to knowingly create unrecoverable debt under a loan of 114 “dummy” debtors of the Bank, including the debt of 49 debtors of Group # 1 under 96 credit agreements for the total amount of RUB 56,537,420,000.59. New facts cited resulted in lodging a new claim against S. V. Pugachev to hold him additionally liable for the amount of RUB 7,161,211,311.

5. On 18 March, 2015, the complainant's representative filed objections to the new stated claims and pointed out that DIA representatives had missed the action limitation period (Annex # 5).

6. On 18 March, 2015, Moscow City Arbitration Court examined the motion of DIA representative to amend the previously stated claims and ruled to dismiss the above motion with reference to Article 49 of Arbitration Procedural Code of the Russian Federation (Annex # 6).

7. On 23 April, 2015, on the day of the court hearing, the DIA representative repeatedly filed a motion with the court marked urgent to amend (expand) the basis of claims against S. V. Pugachev (Annex # 7). In addition to the previously stated basis of claims against S. V. Pugachev, the administrator cited, as before, the new facts, specifically that S. V. Pugachev took steps to knowingly create unrecoverable debt under a loan of 114 “dummy” debtors of the Bank, including the debt of 49 debtors of Group # 1 under 96 credit agreements for the total amount of RUB 56,537,420,000.59. New facts cited resulted in lodging a new claim against S. V. Pugachev to hold him additionally liable for the amount of RUB 7,161,211,311. At the same time, the amounts claimed against Pugachev were increased from RUB 68,481,255,000.00 to 75,642,466,311.39, which the bankruptcy trustee announced orally during the court hearing on 23 April, 2015.

8. The complainant's representative asked the court for additional time to prepare the case theory and study the materials submitted to the court by adjourning the court proceedings or at least taking a recess. The DIA representative consented to the complainant's motion to allow him additional time to prepare the defence and study the submitted documents. The court refused to allow the complainant's representative the requested time (Annex # 8).

Statement of facts (continued)

57.

* 1. On the same day, 23 April, 2015, the judgement (decision) was rendered to pursue secondary liability on the complainant in the amount of RUB 75,642,466,311.39, RUB 68,481,255,000.00 out of which – jointly and severally with M. Ye. Illarionova, including under supplementary claims by DIA in the amount of RUB 7,161,211,311 – jointly and severally with A. A. Didenko and A. S. Zlobin, i.e. in the total amount of RUB 82,803,677,622.39 (Annex # 9).
  2. The complainant states that the court of original jurisdiction systematically limited and violated his rights as a party to the trial by putting the complainant at a significant disadvantage compared to the opposite party. For example, according to the motion filed on 23 April, 2015 to amend (expand) the basis of claims against S. V. Pugachev, the bankruptcy trustee practically changed the object and the basis of claims against S. V. Pugachev. The complainant's representatives objected to the approval of those amendments (expansion) to the claim and argued that previously, on 18 March, 2015 the court had already ruled to dismiss the administrator's motion for the same amendments (expansion) of the claim by citing Article 49 of Arbitration Procedural Code of the Russian Federation, that prohibits the claimant from changing the object and the basis of the claim at the same time. Despite its position described in the decision of 18 March, 2015, the court accepted the new motion from DIA to amend (expand) the claim on 23 April, 2015. According to the complainant, the inconsistent position of the court of original jurisdiction in applying Article 49 of Arbitration Procedural Code of the Russian Federation in this case gave reason to doubt the impartiality of the court of original jurisdiction.
  3. On 23 April, 2015, as it appears from the court transcript, the court repeatedly suggested that the claimant should restate the claims against A. A. Didenko and A. S. Zlobin, because, in the court's opinion, considering the basis of claims against them, the claimant should have filed claims to collect RUB 7,161,211,311.39 not from them alone but jointly and severally from S. V. Pugachev as well. Despite the persistent suggestions by the court, the DIA representative did not file a claim against S. V. Pugachev to collect jointly and severally RUB 7,161,211,311.39, claimed from A. A. Didenko and A. S. Zlobin. (Annex # 8). The DIA representative stated that it was his right to determine the object of the claim. Notwithstanding the above, the court exceeded the scope of the claims stated by DIA and ordered to collect from S. V. Pugachev additionally RUB 7,161,211,311.39 jointly and severally with A. A. Didenko and A. S. Zlobin, thus arbitrarily increasing the size of the stated claims to RUB 82,803,677,622.39. The complainant believes that the order to collect from him the amount not claimed by the administrator obviously indicates the partiality of the court of original jurisdiction.
  4. On 23 January, 2015, DIA submitted through the court registry a motion for deposition of the debtors' credit histories (9,811 sheets in total), the enforcement proceeding materials and other documents. The complainant did not object to granting the filed motion, furthermore he intended to use part of these documents to substantiate its position. The court did not consider the above motion at all; however a certain part of the documents were included in the case materials. This way the court was able to deposit documents avoiding the procedural order, however not the complete package, only the part that the DIA representative needed. The part of the documents that could be used to support the complainant's position is missing in the case file. Furthermore, in its decision (Annex # 9) the court repeatedly cites the materials of the debtors' credit histories and the enforcement proceeding materials, that have not been included in the case materials in a procedural order (pages 32, 38 of the decision). By doing so, the court once again violated the requirement of equality of parties to the trial.
  5. When passing a decision on 23 April, 2015, the court of original jurisdiction found that the case materials support the allegation that the debt of all 114 debtors in the amount of RUB 125,018,675,000 was knowingly unrecoverable, and by that time none of the 114 debtors had satisfied its debt obligations to the Bank, and the enforcement proceeding found no property of the debtors that could be used to satisfy the Bank's demands (page 38 of the decision). The court's above finding is not based on proper evidence, while the court's reference to the resolutions on the termination of enforcement proceedings that were neither included in the case materials nor examined or checked by the court cannot be considered as justified. Therefore, the court's reference to the evidence not included in the case materials indicates the violation of the rule of equality of parties and the adversarial principle.
  6. Holding the complainant liable, the court considered a large number of the stated claims in violation of law on action limitation period, thus blatantly cooperating with the opposite party. By the time the bankruptcy trustee filed the new claims on 23 April, 2015, the Federal Law On Bankruptcy of Credit Organisation, that the court cited, was no longer in effect.

**Statement of facts (continued)**

58.

It remained uncertain why the court failed to apply Clause 5 Article 10 of the Federal Law # 127-FZ On Insolvency (Bankruptcy) dated 26 October, 2002, that set a new, reduced one-year action limitation period (within one year after the day when a person filing the claim learnt or should have learnt about the grounds for subsidiary liability). This new one-year period expired for the bankruptcy trustee on 2 December, 2014 the latest, i.e. a year after the initial claim was lodged on 2 December, 2013. Consequently, the complainant could not have reasonably expected to be held liable under the law that lost effect, and also the complainant could not have reasonably foreseen that the new law setting a reduced one-year action limitation period would not be applied to his case.

15. On 23 April, 2015, after hearing the motions made by the parties, the court retired into the chambers for their consideration. Returning from the chambers, the court announced the decision whereby it dismissed all the motions made by the parties (Annex # 8), and then unexpectedly for everyone announced the decision on the merits. Consequently, the court failed to either examine any of the evidence in the case submitted by the participants of the case or give the parties' representatives an opportunity to speak at a debate. As a result, the complainant's representatives did not have a chance to substantiate their position, make motions, receive or provide evidence, establish new facts in connection with the new claims against S. V. Pugachev related to the creation by the Bank of the knowingly unrecoverable debt under a loan of 114 debtors, or ask questions. During the court session, the presiding judge failed to inform the parties that the consideration of the case on the merits was over, and the court retired to make a decision (Annex # 8). The judicial disposition was announced by the presiding judge immediately after he announced the decision based on the results of consideration of the bankruptcy trustee's motions, including the motion to order S. V. Pugachev to provide written answers to the bankruptcy trustee's questions, to issue summons to A. S. Zlobin and others to the court hearing.

16. On 18 May, 2015, the complainant filed an appeal (Annex # 10) from the decision by Moscow

City Arbitration Court, announced on 23 April, 2015, and also filed supplements to the appeal

(Annex # 11).

17. On 29 May, 2015, the special investigator of the Main Investigative Directorate of the Russian Investigative Committee initiated criminal proceedings against the complainant based on the same facts that were the subject matter of the investigation in the arbitration court (Annex # 12).

18. On 18 June, 2015, the Ninth Arbitration Appeal Court ruled to dismiss the complainant's appeal (Annex # 13).

* + 1. On 23 July, 2015, the complainant lodged a cassation appeal for the prior court decisions (Annex # 14),

as well as supplements to the cassation appeal (Annex # 15). In addition, the complainant provided

the arguments in writing for the cassation authority (Annex # 16 and # 17).

* + 1. On 24 September, 2015 the Federal Arbitration Court for the Moscow Circuit dismissed the cassation appeal of the complainant (Annex # 18).
    2. On 30 November, 2015 the complainant filed the cassation appeal in the Chamber for Commercial Disputes of the Supreme Court of the Russian Federation (Annex # 19).

1. On 11 December, 2015 based on the determination of the Arbitration Court of Moscow the period of bankruptcy management was extended until 7 June, 2016 (Annex # 20).

23. On 29 January, 2016 the Supreme Court of the Russian Federation gave its decision to dismiss the complainant's cassation appeal (Annex # 21).

1. On 12 February, 2016 the complainant addressed the appeal to the Deputy Chairman of the Supreme Court of the Russian Federation (Annex # 22). Response to the mentioned appeal has not yet been received by the complainant.

25. On 22 February, 2016 based on the judgement of the Russian Court dated 23 April, 2015 the High Court of Justice, London delivered the judgement (Annex # 23) to recover from the complainant RUB 75,642,466,311.39, as well as interests in the amount of RUB 8,223,662,422.17 and RUB 33,842,232/illegible/ per day until payment in full discharge.

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**F. Summary of violations of the Convention or Protocols thereto and supporting arguments**

Article 59.

А). The complainant states that Russian courts violated his right for a fair trial guaranteed by Article 6 of the Convention:

* when determining his civil rights and duties, as well as

when bringing the charge against him that in fact was the criminal charge by virtue of the autonomous meaning of the notion “criminal”.

The violation of Article 6 of the Convention consisted in the following: the principle of adversarial proceedings and the rule of equality of parties were violated in respect of the complainant:

* The court did not provide any time and opportunity to get prepared for protection of the complainant's right under conditions, when the complainant changed the cause and subject of the of action and submitted new materials on the last day of the court trial on 23 April, 2015.
* The court demonstrated a subjective discrimination. At the court session held on 18 May, 2015, in full accordance with Art. 49 of the Arbitration Procedure Code of the Russian Federation the court dismissed the motion to change the subject and cause of the action, and on the last day of the trial it sustained the DIA motion suddenly, in the absence of the legal cause. The change in the court's position was not unbiased.
* Without consideration of DIA motion on inclusion of credit files of borrowers (total /illegible/), materials of the enforcement proceedings and other documents, using a non-procedural method, the court included a part of documents, not in a full volume, only the part that suited the DIA representative. The part of documents that could have been used to support the complainant's position is missing in the case file.
* The court for the benefit of /illegible/ application of which was requested by the complainant's party.
* In contravention of the count claimed by DIA for the total amount of RUB 68,481,255, 000.00, and subsequently increased orally up to RUB 75,642,466,311.39, the court recovered the total amount of RUB 82,803,677,622.39 from the complainant. The audio record of the court hearing (Annex # 8, pp. 101–109) clearly demonstrate that the Chairperson is explaining the DIA representative how to demand a recovery of the bigger amount from the complainant. At this,

the DIA representative insists that he/she will not exceed RUB 75,642,466,311.33.

* The Court missed the most crucial stages of the proceedings, i.e. study of evidences, the stage of questions of parties to each other, oral statements of the parties, and replications. On 23 April, 2015, having withdrawn to consider the parties' motions and dismissed all the declared motions, the Court announced unexpectedly the decision on the merits.
* In fact, the Court considered the question of the complainant' guilt in the civil legal process, as the same actions of the complainant are the subject of the criminal legal proceedings initiated against the complainant on 29 May, 2015 (within the period between consideration of the case by the first and second instance arbitration courts).

The above demonstrates a gross violation of the principle of equality of parties and non-compliance by the court of general requirements to fairness of the court proceedings.

B). The complainant believes that in addition to violation of Article 6 of the Convention, a violation of Article 1 of Protocol No. 1 to the Convention was committed against him. Is Article 1 of the Protocol No. 1 to the Convention applicable to the judgement on recovery of the specific amount payable as the subsidiary responsibility? It seems that according to legal approaches taken by the Court recovery of money in such cases, for example, tax amount, can constitute an “intervention” in the right to use property, as the interested person is deprived of property, i.e. the sum of money payable.

In the practice of the Court, it came on repeated occasions across the question, whether the amount payable (in particular, the amount of unpaid taxes) is the complainant's “property” within the meaning envisaged by the Convention, if, from the point of view of public bodies, it is withheld by the complainant illegally. The European Court answered this question positively, in particular, in para. 872–873 of judgement on the case of OAO NEFTYANAYA KOMPANIYA “YUKOS" v. RUSSIAN FEDERATION (complaint No. 14902/04)

* Article 6 Explanations The Court indicated: “... courts supported the position of authorities and decided that “YUKOS” and the first complainant had outstanding taxes payable, but the fact itself cannot withdraw the amounts recovered from “YUKOS” and/or the first complainant from under protection guaranteed by Article 1 of the Protocol No. 1 to the Convention (see the Ruling of the European Court with necessary amendments in the case of Bulves AD v. Bulgaria dated 22 January, 2009, complaint No. 3991/03, §§ 53–58, the Ruling of the European Court in the case of Intersplav v. Ukraine dated 9 January, 2007)…”. Thus, recovery by the Arbitration Court of Moscow of compensation for damage in the amount of more than RUB 82 billion constituted undoubtedly an interference in unimpeded use of property by the complainant.

The next issue is whether the intervention had a legitimate basis. The fact that recovery from him/her was assigned as a result of the judicial process that did not meet the requirements to a fair trial that was demonstrated in this section devoted to the right guaranteed by Article 6 of the Convention is considered by the complainant to be a proof of the violation. Furthermore, the complainant states that recovery in the amount of more than 82 billion was unjustified and illegal, since the amount was recovered not from appropriate persons, but from the person, who, in the opinion of authorities (DIA), was the “controlling person” and was involved in commission of the “crime”. The complainant has at his disposal the document on bringing him to criminal responsibility (Annex # 12). However, the court was not able to determine and prove, whether the person is subject to liability for abuses for being engaged in it within the framework of the civil process, where the burden of proving lies on parties. This could only be the subject of consideration in the criminal process, where there is a benefit of the doubt and the burden of proving lies on the prosecutor. As a result, the fact that the complainant had been the “controlling person” was not proved by due process of law, and the court that took such position of accusation arbitrarily and illegally conferred on the complainant the burden of proof and, eventually, a huge material responsibility that he should bear with all the property owned by him.

This material responsibility conferred illegally on the complainant has already its legal result in the form of the process that was initiated against the complainant in the Court of Justice, London and that, in its turn, will be the subject of a separate complaint against the United Kingdom, which the complainant intends to file in to the Court after exhaustion of the British remedies of law.

C). The principle (that is guaranteed by Article 7 of the Convention) that implies that nobody can be convicted for any act that was not a crime at the time of its committing was violated in respect of the complainant.

Furthermore, at the time when the complainant was charged with the subsidiary liability for illegal disposal of funds of the Bank, the national law was not aware of the notion of the “controlling person”, and the complainant could not be brought to responsibility for this reason alone and was not able to assume that such a provision in the law would appear subsequently. Finally, in accordance with the para. 5 of Article 10 of the Federal Law “On Insolvency (bankruptcy)”, in this case, the period of limitation in respect of the complainant should be limited by one year, and the Court went far beyond limits of this period on a number of “accusations”.

The above mentioned violations against the complainant can only be explained by a complete lack of justice. At this, the Court violated Article of the Convention using retrospectively rules of the law that were not in effect at the time of the events under examination and actions incriminated to the complainant.

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| **G. Conformity of the appeal to conditions of admissibility established by Article 35, § 1 of the Convention**  Confirm for each appeal that you have used all the available and effective domestic remedies of law, including court appeals, and specify the date of the final decision and the date it was obtained to confirm compliance with the six-month period. | |
| 61. Complaint  on all the declared | Information on the used remedies of law and the date of the final decision dated 23 April, 2015 (prepared in full on 30 April, 2015) |
| violations: Articles 6.1; 7 | The Arbitration Court of Moscow rendered a determination on bringing the complainant to |
| of the Convention; Article 1 of the Protocol | the subsidiary liability (Annex # 9) |
| No. 1 to the Convention |  |
|  | On 18 May, 2015 the complainant filed an appeal in the Ninth Arbitration |
|  | Court of Appeal (Annex # 10)  On 15 June, 2015 the complainant filed a supplement to the appeal in the Ninth Arbitration Court of Appeal (Annex # 11)   1. The order of the Ninth Arbitration Court of Appeal dated 18 June, 2015 (prepared in full volume on 24 June, 2015) dismissed the complainant's appeal (Annex # 13).    1. On 23 July, 2015 the complainant filed a cassation appeal for judicial acts dated 23 April, 2015 and 18 June, 2015 (Annex # 14). 2. On 19 August, 2015 the complainant submitted supplements to the cassation appeal (Annex # 15).   On 22 September, 2015 the complainant submitted written explanations to the Arbitration Court for the Moscow Circuit (Annex # 16).   1. On 24 September, 2015 the complainant submitted |
|  | written explanations to the Arbitration Court for the Moscow Circuit (Annex # 17)  On 24 September, 2015 (prepared in full volume on 1 October, 2015) the Arbitration Court for the Moscow Circuit dismissed the complainant's cassation appeal (Annex # 18) |
|  | On 30 November, 2015 the complainant filed a cassation appeal in the Supreme Court of the Russian Federation (Annex # 19) |
|  |  |
|  | On 29 January, 2016 the Supreme Court of the Russian Federation sealed the case |
|  | (Annex # 21). |
|  | For the purpose of exhaustion of domestic remedies of law, the complainant appealed against the decision of the first court of appeal to the Supreme Court of the Russian Federation. In addition, the complainant applied further to the Deputy Chairman of the Supreme Court.  However, the complaint was filed within the 6-month period, since  the final judgement was delivered on 2S January, 2016. |

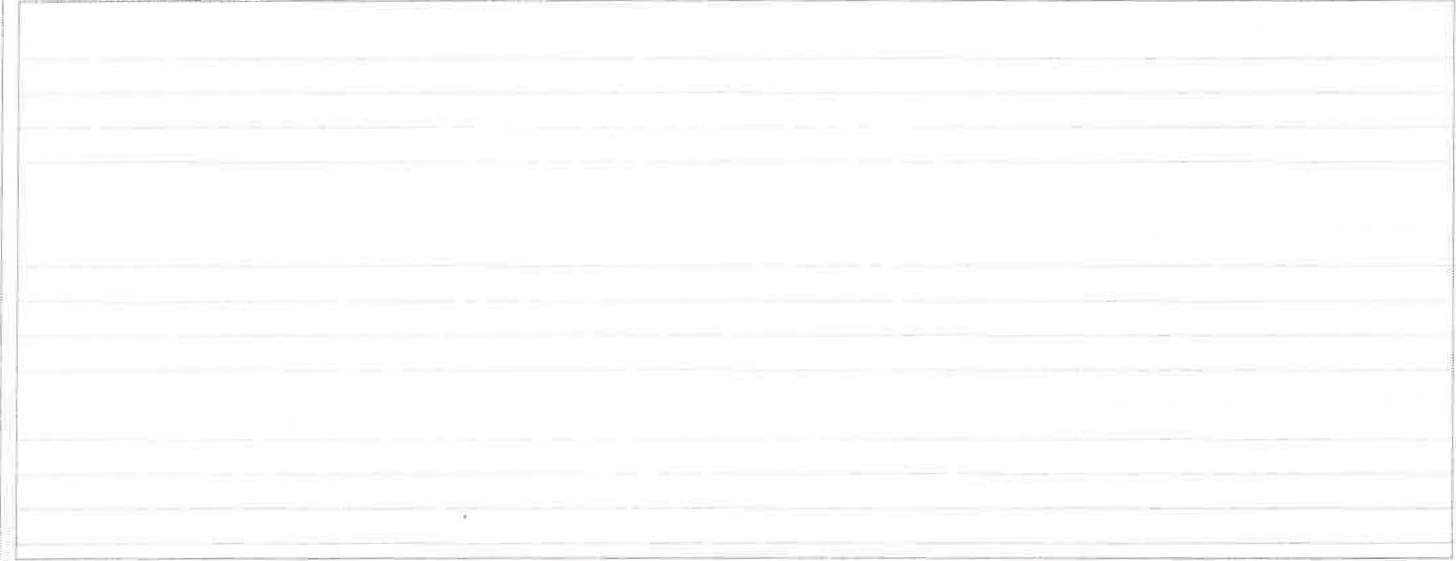
О Yes

® No

О Yes

■.•) No

63. If you answered “Yes” to the previous question, indicate the remedies of law or means of appeal you have not used and explain why.



Н. Other procedures of the international trial (if any)

<§> No

64. Did you file any of the above mentioned complaints in other bodies of international examination or settlement?

65. If you answered “Yes” to the previous question, provide a brief description of the procedure (what complaints were filed, the name of the international body, the date and the essence of the decision).

Did you (i.e. the complainant) previously file other complaints to the European Court of Human Rights?

Yes No

62. Do you have any remedy at law or means of appeal that you haven't yet used?

1. If you answered “Yes” to the previous question, specify below the number/numbers.

|  |  |  |
| --- | --- | --- |
| **1. List of enclosures** | |  |
| Enclose complete and qualitative copies of all the documents. The enclosed documents will not be returned to you, therefore it is to your interest to attach copies, not originals. You SHOULD:  arrange the documents separately for each process in chronological order;   * number pages successively; and * NOT clip, glue or bind documents. | | |
| 68. In the field below, list the attached documents with their brief description in chronological order. Specify the page number for each document. | | |
| 1. | Award of the Arbitration Court of Moscow dated 7 December, 2010. | pp. 1–3 |
| 2. | Statement of DIA on bringing to the subsidiary liability of the complainant dated 2 December, 2013. | pр. 4–18 |
| 3. | Complainant's statement of defence to the DIA statement on bringing to the subsidiary liability dated 27 January, 2015. | pp. 19–35 |
| 4. | Complainant's statement of defence to the DIA statement on bringing to the subsidiary liability dated 21 April, 2015. | pp. 36–58 |
| 5. | Complainant's objections to the DIA motion dated 13 March, 2015. | pp. 59–62 |
| **6.** | Determination of the Arbitration Court of Moscow dated 18 March, 2015. | pp. 63–65 |
| 7. | Statement on clarification of (supplements to) causes of claims dated 23 April, 2015. | pp. 66–86 |
| **8.** | Transcription of the audio of the court session dated 23 April, 2015. | pp. 87–157 |
| 9. | Determination of the Arbitration Court of Moscow dated 23 April, 2015. | pp. 158–  215 |
| 10. | Complainant's appeal dated 18 May, 2015. | ™ pp. 216–  246 |
| 11. | Addition to the appeal dated 15 June, 2015. | ™ pp. 247–  258 |
| 12. | Order on initiation of criminal proceedings dated from 29 May, 2015. | pp.  259–  **263** |
| 13. | Order of the Ninth Arbitration Court of Appeal dated 18 June, 2015. | p. 264–290 |
| 14. | Complainant's Cassation Appeal dated 23 July, 2015. | pp.  291–  312 |
| 15. | Addition to the cassation appeal dated 18 August, 2015. | ™ pp. 313–  323 |
| **16.** | Written explanations for cassation instance dated 22 September, 2015 | pp. 324–332 |
| 17. | Written explanations for the cassation instance dated 24 September, 2015. | pp. 333–343 |
| 18. | Award of the Arbitration Court for the Moscow Circuit dated 24 September, 2015. | pp. 344–361 |
| 19. | Cassation appeal of the complainant to the Supreme Court of the Russian Federation dated 30 November, 2015. | pp. 362–389 |
| 20. | Determination of the Arbitration Court of Moscow dated 11 December, 2015. | pp. 390–391 |
| **21.** | Determination of the Supreme Court of the Russian Federation dated 2S January, 2016. | pp. 392–394 |
| 22. | Complaint to the Deputy Chairman of the Supreme Court of the Russian Federation dated 12 February, 2016. | pp. 395–423 |
| 23. | Decision of the High Court of Justice, London dated 22 February, 2015. | pp. 424–425 |
| 24. |  | pp. |
| 25. |  | pp. |
|  |  |  |
|  | | |

**Comments and explanations**

Is there anything that you'd like to add in respect of the complaint? 69. Comments

The complainant was illegally charged with liability that has a legal result in the form of the process that was initiated against him in the High Court of Justice, in respect of which the complainant intends to file in the appeal against the UK after exhaustion of British remedies at law. The complainant will notify the Court on the appeal filed and leaves the question, of whether these complaints should be considered jointly, to the discretion of the Court.

**Statement and signature**

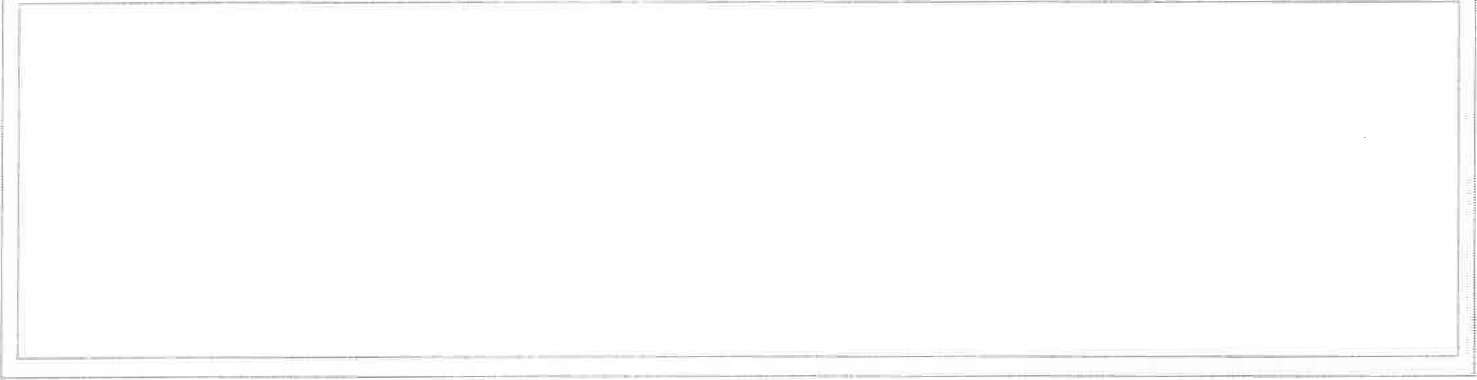
70. Date 0 10 4

Herewith I declare, based on my knowledge and beliefs, that all the data I specified in my form, are correct.

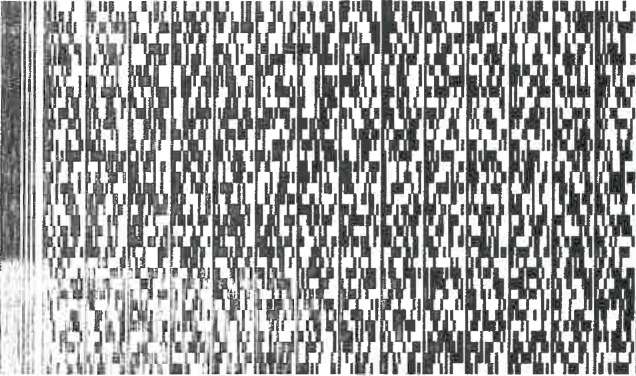
0 16 Fw. 27/09/2015

DDMMYYYY

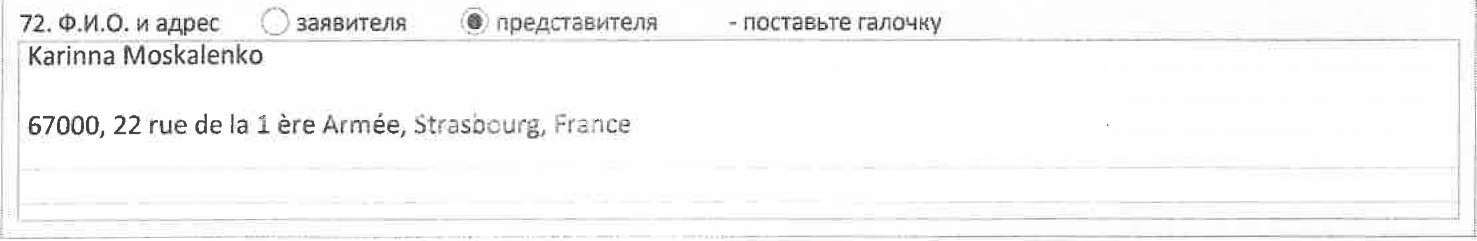
The complainant (complainants) or the complainant's representative (representatives) should put their signatures in the next field. 71. Signature (signatures) \_\_ of the complainant (complainants) \_\_ of the representative (representatives) — Check the box



**Contact person for correspondence**



If the complaint is filed by several complainants: or if the complainant is represented by several representatives, specify one addressee, with whom the Court should carry on a correspondence. If the complainant has a representative, the Court will communicate exclusively with the representative (regardless of the fact whether he/she is a lawyer or not).



The completed form of the complaint should be signed and sent per mail to the following address:

The Registrar

European Court of Human Rights Council of Europe 67075 STRASBOURG CEDEX FRANCE