

RUSSIAN FEDERATION
FEDERAL LAW

On Compensation for Violation of Right to Trial within a Reasonable Time or
of Right to Execution of a Judicial Act within a Reasonable Time

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Article 1. Right to Compensation for Violation of Right to Trial within a Reasonable Time or of Right to Execution of a Judicial Act within a Reasonable Time

1. Citizens of the Russian Federation, foreign citizens, stateless persons, Russian, foreign and international organizations that are parties to judicial proceedings or third persons stating independent claims in regard of the subject matter of the dispute; recoverors, debtors, as well as suspected persons, accused persons, defendants, convicted persons, acquitted persons, victims, civil plaintiffs, civil defendants in criminal proceedings; other interested persons, where so stipulated in federal law, in case of violation of their right to trial within a reasonable time (in particular the persons who are not the suspects, accused or those materially liable for their actions in accordance with the law – in case of violation of the reasonable time of application of a measure of procedural compulsion in the form of arrest of property) or in case of violation of their right to execution of a judicial act within a reasonable time, where such an act stipulates recovery from the budget funds of the budgetary system of the Russian Federation or imposes a duty to execute other property claims and (or) non-property claims upon federal public authorities, public authorities of constituent entities of the Russian Federation, local self-government bodies, other bodies and organisations vested with certain state or other public powers, upon officials, state and municipal servants, may apply to a court, a commercial court with an application for compensation for such a violation in the manner stipulated in this Federal Law and the procedural legislation of the Russian Federation.

2. A compensation for violation of the right to trial within a reasonable time or of the right to execution of a judicial act within a reasonable time is awarded, if such a violation occurred for reasons beyond the control of the person filing the compensation application (hereinafter – the applicant), except for circumstances that were extraordinary and unavoidable under the given conditions (force majeure). Herewith, the violation of the time limits stipulated in the legislation of the Russian Federation for consideration of the case or execution of the judicial act does not in itself imply a violation of the right to trial within a reasonable time or execution of a judicial act within a reasonable time.

3. The award of a compensation for violation of the right to trial within a reasonable time or of the right to execution of a judicial act within a reasonable time does not depend on the existence or absence of fault on the part of the court, criminal prosecution bodies, bodies charged with the duties to execute judicial acts, other public authorities, local self-government bodies and their officials.

4. The award of a compensation for violation of the right to trial within a reasonable time or of the right to execution of a judicial act within a reasonable time does not preclude the restitution of damage in accordance with Articles 1069, 1070 of the Civil Code of the Russian Federation. The award of a compensation for violation of the right to trial within a reasonable time or of the right to execution of a judicial act within a reasonable time deprives the interested person of the right to compensation for moral harm caused by the aforementioned violations.

5. When a compensation application for violation of the right to trial within a reasonable time or of the right to execution of a judicial act within a reasonable time is filed, the state fee is paid in the manner and amounts stipulated in the legislation on taxes and levies.

6. The bodies authorized in accordance with this Federal Law to act on behalf of the Russian Federation, of a constituent entity of the Russian Federation, municipal entity in execution of a court decision, commercial court decision regarding the award of compensation for violation of the right to trial within a reasonable time or of the right to execution of a judicial act within a reasonable time may file recourse claims against the body or official at whose fault such a violation occurred.

Article 2. Form and Amount of Compensation for Violation of Right to Trial within a Reasonable Time or of Right to Execution of a Judicial Act within a Reasonable Time

1. The court, commercial court awards compensation for violation of the right to trial within a reasonable time or of the right to execution of a judicial act within a reasonable time in monetary form.

2. The court, commercial court determines the amount of compensation for violation of the right to trial within a reasonable time or of the right to execution of a judicial act within a reasonable time, proceeding from the applicant's claims, the facts of the case in which the violation occurred, the duration of the violation and significance of its consequences for the applicant, as well as taking into account the principles of reasonableness and fairness.

Article 3. Manner of Filing a Compensation Application for Violation of Right to Trial within a Reasonable Time or of Right to Execution of a Judicial Act within a Reasonable Time; Specific Features of Consideration of the Application

1. A compensation application for violation of the right to trial within a reasonable time is submitted to:

1) a court of general jurisdiction, if the compensation claim for violation of the right to trial within a reasonable time results from a protracted trial in a court of general jurisdiction, protracted pre-trial proceedings in criminal cases, in particular the protracted application of the measure of procedural compulsion in the form of arrest of property;

2) a commercial court, if the compensation claim for violation of the right to trial within a reasonable time results from a protracted trial in a commercial court.

2. A compensation application for violation of the right to execution of a judicial act within a reasonable time is submitted to:

1) a court of general jurisdiction, if the compensation claim for violation of the right to execution of a judicial act within a reasonable time results from protracted non-execution of a judicial act of a court of general jurisdiction;

2) a commercial court, if the compensation claim for violation of the right to execution of a judicial act within a reasonable time results from protracted non-execution of a judicial act of a commercial court.

3. A compensation application for violation of the right to trial within a reasonable time or of the right to execution of a judicial act within a reasonable time is considered, as a court of first instance, by:

1) the supreme court of a republic, the court of a territory, region, federal city, autonomous region, autonomous circuit, by a circuit (fleet) military court – as regards cases within the jurisdiction of justices of the peace, district courts, garrison military courts;

2) the Supreme Court of the Russian Federation – as regards cases within the jurisdiction of federal courts, except for the district courts and garrison military courts;

3) the commercial court of a circuit.

4. A compensation claim for violation of the right to trial within a reasonable time may be stated in an application for review of judicial acts of commercial courts in the manner of cassation, as stipulated in the procedural legislation of the Russian Federation.

5. A compensation application for violation of the right to trial within a reasonable time may be submitted to a court, commercial court:

1) within six months from the effective date of the last judicial act adopted in the case in which the violation occurred;

2) before the end of proceedings in the case in which the violation occurred, if the duration of consideration of the case has exceeded three years, and the applicant earlier submitted an application to speed up its consideration in the manner stipulated in the procedural legislation of the Russian Federation.

6. A compensation application for violation of the right to a criminal trial within a reasonable time may be submitted to a court within six months from the effective date of the sentence, or of the court ruling or court decree regarding the termination of criminal proceedings in the case, or from the day on which an inquiry officer, head of an inquiry unit, head of an inquiry body, an inquiry body, an investigator, head of an investigative body, a prosecutor adopted a decree regarding the termination of criminal

proceedings or refusal to initiate a criminal case due to expiry of the prescription period for criminal prosecution.

7. If the suspected or accused person has been identified, a compensation application for violation of the right to a criminal trial within a reasonable time may be submitted before the termination of criminal prosecution or before the judgment of conviction enters into force, if the duration of proceedings in the criminal case has exceeded four years, and the applicant earlier submitted an application to speed up its consideration in the manner stipulated in criminal procedure legislation of the Russian Federation. If after consideration of such a compensation application for violation of the right to criminal trial within a reasonable time a decision is adopted, the applicant may apply to court with a new compensation application for violation of the right to criminal trial within a reasonable time after one year from the day on which it becomes effective; if a decree on termination of the criminal case or of criminal prosecution was reversed, the criminal case was returned by the prosecutor for additional inquiry or for rewriting the indictment act, or was returned by the judge to the prosecutor for elimination of obstacles for its court consideration, this new application may be submitted independent of expiration of said period. The application should describe the facts that occurred during the period that was not subject matter of court consideration under the original application, indicating that the right to criminal trial within a reasonable time was violated. The applicant may also refer to the facts earlier considered by the court. In this situation, it is not necessary to repeatedly file an application to speed up the consideration of the criminal case in the manner stipulated in the criminal procedure legislation of the Russian Federation.

7.1. A compensation application for violation of the right to a criminal trial within a reasonable time may be submitted to a court also before the end of proceedings in a criminal case, by the victim or another interested person, to whom harm was caused by an act prohibited by criminal law, within six months from the day on which an inquiry officer, head of an inquiry unit, head of an inquiry body, an inquiry body, an investigator, head of an investigative body adopted a decree to suspend the preliminary investigation in the criminal case due to failure to establish the person subject to being drawn as the accused, if the duration of pre-trial proceedings in the criminal case, calculated from the day on which an application, notification about a crime was filed to the day on which the decision to suspend the preliminary investigation in the criminal case was adopted based on the aforementioned grounds, has exceeded four years, and there is information indicating that a prosecutor, the head of the investigative body, the investigator, inquiry body, head of the inquiry body, head of the inquiry unit, inquiry officer failed to take measures stipulated in criminal procedure legislation of the Russian Federation and necessary for the timely initiation of a criminal case, preliminary investigation in the criminal case and establishment of the person subject to being drawn as the suspected, accused of the crime.

7.2. A compensation application for violation of the right to a criminal trial within a reasonable time as regards the duration of the measure of procedural compulsion in the form of arrest of property of a

person who is not a suspect, accused or a person materially liable for their actions in accordance with the law may be submitted to a court by the aforementioned person within six months from the effective date of the sentence, or of the court ruling or court decree on termination of criminal proceedings in the case, or from the day on which an inquiry officer, head of an inquiry unit, head of an inquiry body, an inquiry body, an investigator, head of an investigative body, prosecutor adopted a decree to terminate criminal proceedings, as well as before criminal prosecution is terminated or before the court sentence enters into force, if the duration of arrest of property in the criminal case has exceeded four years.

7.3. A compensation application for violation of the right to a criminal trial within a reasonable time may be submitted by the victim or another interested person, to whom harm was caused by an act prohibited by criminal law, within six months from the day on which an inquiry officer, head of an inquiry unit, head of an inquiry body, an inquiry body, an investigator, head of an investigative body adopted a decree regarding the termination of the criminal case or refusal to initiate a criminal case due to expiry of the prescription period for criminal prosecution, if the duration of pre-trial proceedings, calculated from the day on which an application, notification about a crime was filed to the day on which the decision to refuse to initiate a criminal case based on the aforementioned grounds was adopted, has exceeded six months or one year and eleven months if calculated to the day on which the decision to terminate the criminal case was adopted, and there is information indicating that the application regarding the crime was timely submitted and also that the inquiry officer, head of the inquiry unit, head of the inquiry body, the inquiry body, investigator, head of the investigative body, a prosecutor failed to take measures stipulated in criminal procedure legislation of the Russian Federation and necessary for the timely initiation of a criminal case, establishment of the person subject to being drawn as the suspect, accused of the crime, and (or) indicating that the prosecutor, head of the investigative body or a court repeatedly cancelled illegal decisions on refusal to initiate a criminal case, on suspension of proceedings in the criminal case, on termination of the criminal case in the manner stipulated in federal law.

8. A compensation application for violation of the right to execution of a judicial act within a reasonable time may be submitted to a court, a commercial court before the end of proceedings regarding the execution of a judicial act stipulating recovery from the budget funds of the budgetary system of the Russian Federation or before the completion of enforcement proceedings regarding a judicial act imposing a duty to execute other property claims and (or) non-property claims upon federal public authorities, public authorities of constituent entities of the Russian Federation, local self-government bodies, other bodies and organisations vested with certain state or other public powers, upon officials, state and municipal servants, but no earlier than six months after the expiration of the period stipulated in federal law for the execution of a judicial act or no later than six months from the day of the end of proceedings regarding the execution of a judicial act.

9. During court consideration of a compensation application for violation of the right to:

- 1) trial within a reasonable time, the interests of the Russian Federation are represented by the Ministry of Finance of the Russian Federation;
- 2) criminal trial within a reasonable time within the framework of pre-trial proceedings, the interests of the Russian Federation are represented by the Ministry of Finance of the Russian Federation and the principal manager of funds of the federal budget;
- 3) execution of a judicial act within a reasonable time, regarding a lawsuit against the Russian Federation, a constituent entity of the Russian Federation, a municipal entity on restitution of damage caused to a natural or legal person as a result of illegal actions (failure to act) of state bodies, local self-government bodies or their officials, the interests of the Russian Federation, of the constituent entity of the Russian Federation, of the municipal entity are represented by the corresponding financial body;
- 4) execution, within a reasonable time, of a judicial act stipulating recovery from the funds of the federal budget, of the budget of a constituent entity of the Russian Federation, of a local budget regarding the monetary obligations of budgetary institutions, the interests of the Russian Federation, of the constituent entity of the Russian Federation, of the municipal entity are represented by the corresponding financial body and the principal manager of funds of the corresponding budget;
- 5) execution, within a reasonable time, of a judicial act imposing a duty to execute other property claims and (or) non-property claims upon federal public authorities, public authorities of constituent entities of the Russian Federation, local self-government bodies, other bodies and organisations vested with certain state or other public powers, upon officials, state and municipal servants, the interests of the Russian Federation, of the constituent entity of the Russian Federation, of the municipal entity are represented by the corresponding financial body and the principal manager of funds of the corresponding budget.

Article 4. Court Decision Resulting from Consideration of Compensation Application for Violation of Right to Trial within a Reasonable Time or of Right to Execution of a Judicial Act within a Reasonable Time

1. Following the consideration of a compensation application for violation of the right to trial within a reasonable time or of the right to execution of a judicial act within a reasonable time, the court or commercial court adopts a decision in the manner stipulated in the procedural legislation of the Russian Federation.
2. The compensation for violation of the right to trial within a reasonable time is awarded at the expense of the federal budget.
3. The compensation for violation of the right to execution of a judicial act within a reasonable time is awarded at the expense of the federal budget, of the budget of a constituent entity of the Russian

Federation, of a local budget, if such a violation was committed by the body or organization financed at the expense of the corresponding budget or by an official of that body or organization.

4. The court decision on award of compensation for violation of the right to trial within a reasonable time or of the right to execution of a judicial act within a reasonable time is subject to immediate execution.

5. The court decision adopted by the court or commercial court following the consideration of a compensation application for violation of the right to trial within a reasonable time or of the right to execution of a judicial act within a reasonable time may be appealed against in the manner stipulated in the procedural legislation of the Russian Federation.

Article 5. Execution of Court Decision on Award of Compensation for Violation of Right to Trial within a Reasonable Time or of Right to Execution of a Judicial Act within a Reasonable Time

1. The court decision on award of compensation for violation of the right to trial within a reasonable time or of the right to execution of a judicial act within a reasonable time is exercised in the manner stipulated in the budgetary legislation of the Russian Federation, within three months from the day on which it is received for execution.

2. The court decision on award of compensation for violation of the right to:

1) trial within a reasonable time is executed at the expense of the federal budget by the Ministry of Finance of the Russian Federation;

2) execution, within a reasonable time, of a judicial act stipulating recovery from the funds of the federal budget or imposing a duty to execute other property claims and (or) non-property claims upon federal public authorities, other bodies and organisations vested with certain state or other public powers of the Russian Federation, upon officials, state servants of federal public authorities is executed by the Ministry of Finance of the Russian Federation;

3) execution, within a reasonable time, of a judicial act stipulating recovery from the funds of the budget of a constituent entity of the Russian Federation or of a local budget or imposing a duty to execute other property claims and (or) non-property claims upon the public authorities of constituent entities of the Russian Federation, local self-government bodies, other bodies and organisations vested with certain state or other public powers of a constituent entity of the Russian Federation, of a local self-government body, upon officials, state servants of public authorities of constituent entities of the Russian Federation and municipal servants, is executed by the corresponding financial body.

3. Expenses on compensation payments in accordance with court decisions on award of compensation for violation of the right to trial within a reasonable time or of the right to execution of a judicial act within a reasonable time are envisaged in the federal budget, in the budgets of constituent entities of the Russian Federation, local budgets.

Article 6. Entry of This Federal Law into Force

1. This Federal Law enters into force from 4 May 2010.
2. Within six month from the effective date of this Federal Law, persons that submitted an application to the European Court of Human Rights regarding the alleged violation of their right to trial within a reasonable time or right to execution of a judicial act within a reasonable time, in respect of which no decision on the admissibility of the application or on the merits of the case has been adopted, may apply, in the manner stipulated in this Federal Law and the procedural legislation of the Russian Federation, to a court, a commercial court with a compensation application for violation of the right to trial within a reasonable time or of the right to execution of a judicial act within a reasonable time, indicating in it the date on which the application was filed to the European Court of Human Rights and the application number.

President of the Russian Federation

D. MEDVEDEV

Moscow, the Kremlin

30 April 2010

Federal Law No. 68

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In order to consult the authoritative version, please turn to the original Russian text.

The Plenary Session of the Supreme Court of the Russian Federation has provided clarifications regarding the application of this Law in Ruling No. 11 of 29 March 2016.

Its unofficial English translation can be consulted here:

https://vsrf.ru/en/rulings_plenum/2016/