



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

THIRD SECTION

CASE OF BULGAKOVA v. RUSSIA

(Application no. 69524/01)

JUDGMENT

(Just satisfaction-friendly settlement)

STRASBOURG

10 June 2008

This judgment is final but it may be subject to editorial revision.

In the case of Bulgakova v. Russia,

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

Josep Casadevall, *President*,

Elisabet Fura-Sandström,

Corneliu Bîrsan,

Boštjan M. Zupančič,

Anatoly Kovler,

Alvina Gyulumyan,

Egbert Myjer, *judges*,

and Stanley Naismith, *Deputy Section Registrar*,

Having deliberated in private on 20 May 2008,

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

PROCEDURE

1. The case originated in an application (no. 69524/01) against the Russian Federation lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Russian national, Ms Mayya Filippovna Bulgakova (“the applicant”), on 21 April 2001. The Russian Government (“the Government”) were initially represented by Mr P. Laptev, the former Representative of the Russian Federation at the European Court of Human Rights, and subsequently by their Representative, Mrs V. Milinchuk.

2. In a judgment delivered on 18 January 2007 (“the principal judgment”), the Court held that there had been a violation of Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 on account of the unjustified reopening of the proceedings and the subsequent quashing of the judgment in the applicant's favour.

3. Under Article 41 of the Convention the applicant sought just satisfaction in respect of non-pecuniary damages caused by the alleged violation.

4. Since the question of the application of Article 41 of the Convention was not ready for decision, the Court reserved it and invited the Government and the applicant to submit, within two months, their written observations on that issue and, in particular, to notify the Court of any agreement they might reach.

5. The applicant and the Government each filed observations under Article 41 of the Convention. Further, on 1 February 2008 the Government informed the Court that a friendly settlement had been concluded between the applicant and the authorities. A copy of that settlement was attached. It provided that the Government would pay the applicant 1,500 Euros within

three months from the date of the court's decision to strike the case out of its list; the applicant, on her side, accepted that the settlement constituted a final resolution of the case. By a letter of 14 February 2008 the applicant confirmed the validity of that settlement.

THE LAW

6. Following its principal judgment the Court has been informed that a friendly settlement has been reached between the Government and the applicant with respect to the latter's claims under Article 41 of the Convention.

7. Having regard to its terms, the Court finds the agreement equitable within the meaning of Rule 75 § 4 of the Rules of Court and that it is based on respect for human rights as defined in the Convention or its Protocols (Article 37 § 1 *in fine* of the Convention and Rule 62 § 3 of the Rules of Court). Consequently, it takes formal note of the agreement and considers it appropriate to strike the case out of the list pursuant to Article 37 § 1 of the Convention.

8. Accordingly, the case should be struck out of the list.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Decides* to strike the remainder of the application out of its list of cases;
2. *Takes note* of the parties' undertaking not to request a rehearing of the case before the Grand Chamber.

Done in English, and notified in writing on 10 June 2008, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Stanley Naismith
Deputy Registrar

Josep Casadevall
President