



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

FIRST SECTION

DECISION

Application no. 15754/06
Aleksandr Vitalyevich SKRYLEV against Russia
and 17 other applications
(see list appended)

The European Court of Human Rights (First Section), sitting on 15 April 2014 as a Committee composed of:

Khanlar Hajiyeu, *President*,

Erik Møse,

Dmitry Dedov, *judges*,

and André Wampach, *Deputy Section Registrar*,

Having regard to the above applications lodged on the dates listed in the appendix,

Having regard to the declarations submitted by the respondent Government requesting the Court to strike the applications out of the list of cases and the applicants' replies to those declarations,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. A list of the applicants and their representatives is set out in the appendix.

2. The Russian Government ("the Government") were represented by Mr G. Matyushkin, the Representative of the Russian Federation at the European Court of Human Rights.

3. The applicants complained, among other matters, about poor conditions of their detention in Russian penitentiary facilities, inhuman conditions of transport between facilities, an excessive length of their pre-trial detention or of the criminal proceedings against them.

4. The applications have been communicated to the Government.

THE LAW

A. Joinder of the applications

5. Having regard to the similarity of the main issues under the Convention in the above cases, the Court decides to join the applications and consider them in a single decision.

B. The complaints concerning the conditions of detention or transport or alleged defects of the criminal proceedings

6. All the applicants complained that the conditions of their detention in Russian penitentiary facilities amounted to inhuman and degrading treatment prohibited under Article 3 of the Convention. Mr Aksenov, Mr Krashennnikov and Mr Marzayev further alleged that the conditions of their transport was likewise in breach of that provision.

7. Mr Shaydullov, Mr Grenbenshchikov, Mr Stepanov, Mr Nekrasov, Mr Aksenov, Mr Bakhishev, Mr Marzayev, and Mr Kuznetsov also complained under Article 5 § 3 of the Convention that their pre-trial detention had been excessively long or that there existed no relevant and sufficient grounds for extending it.

8. Finally, Mr Grenbenshchikov complained that the length of the criminal proceedings against him had been in breach of the “reasonable time” guarantee in Article 6 § 1 of the Convention.

9. By letters submitted on different dates, the Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issues raised by the applications. They further requested the Court to strike the applications out of the list of cases in accordance with Article 37 of the Convention.

10. By the above declarations, the Russian authorities acknowledged that the violations of the above-mentioned provisions of the Convention and stated their readiness to pay the following amounts to the applicants as just satisfaction: 5,125 euros (EUR) to Mr Skrylev, EUR 12,875 to Mr Yarosh, EUR 9,250 to Mr Sankov, EUR 12,513 to Mr Shaydullov, EUR 23,000 to Mr Grebenshchikov, EUR 11,085 to Mr Stepanov, EUR 11,320 to Mr Nekrasov, EUR 4,480 to Mr Solyannikov, EUR 11,737 to Mr Aksenov, EUR 14,375 to Mr Krashennnikov, EUR 13,490 to Mr Bakhishev (in respect of two cases he lodged), EUR 11,575 to Mr Marzayev, EUR 10,195 to Mr Shangaliyev, EUR 5,148 to Mr Kuznetsov, EUR 4,155 to Mr Prodan, EUR 5,750 to Mr Salnikov, and EUR 5,375 to Mr Koratkevich.

11. The remainder of the declaration in each case read as follows:

“The authorities therefore invite the Court to strike the present case out of the list of cases. They suggest that the present declaration might be accepted by the Court as

‘any other reason’ justifying the striking of the case out of the Court’s list of cases, as referred to in Article 37 § 1 (c) of the Convention.

The sum referred to above, which is to cover any pecuniary and non-pecuniary damage, as well as costs and expenses, will be free of any taxes that may be applicable. It will be payable within three months from the date of notification of the decision taken by the Court pursuant to Article 37 § 1 of the Convention. In the event of failure to pay this sum within the said three-month period, the Government undertake to pay simple interest on it, from expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

This payment will constitute the final resolution of the case.”

12. The applicants did not accept the Government’s offers. Some of them expressed the view that the sums mentioned in the Government’s declarations were too low, whereas others insisted that the Court should examine their other complaints.

13. The Court reiterates that Article 37 of the Convention provides that it may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to one of the conclusions specified under (a), (b) or (c) of paragraph 1 of that Article. In particular, Article 37 § 1 (c) enables the Court to strike a case out of its list if:

“...for any other reason established by the Court, it is no longer justified to continue the examination of the application”.

14. It also recalls that in certain circumstances, it may strike out an application under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicant wishes the examination of the case to be continued.

15. To this end, the Court will examine carefully the declarations in the light of the principles established in its case-law, in particular the *Tahsin Acar* judgment (see *Tahsin Acar v. Turkey* [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI; *WAZA Spółka z o.o. v. Poland* (dec.), no. 11602/02, 26 June 2007, and *Sulwińska v. Poland* (dec.), no. 28953/03).

16. The Court notes at the outset that since its first judgment concerning the inhuman and degrading conditions of detention in Russian penitentiary facilities, an excessive length of the pre-trial detention and of the criminal proceedings against the applicant (see *Kalashnikov v. Russia*, no. 47095/99, ECHR 2002-VI), it found similar violations in more than a hundred cases against Russia. It follows that the complaints raised in the present applications are based on the clear and extensive case-law of the Court.

17. Turning next to the nature of the admissions contained in the Government’s declarations, the Court is satisfied that the Government did not dispute the allegations made by the applicants and explicitly acknowledged the violations of the above-mentioned provisions of the Convention.

18. As to the intended redress to be provided to the applicants, the Government have undertaken to pay them compensation in respect of

pecuniary and non-pecuniary damages, as well as costs and expenses. Even if the method of calculation employed by the Russian authorities in respect of the conditions-of-detention complaints did not correspond exactly to the guidelines established by the Court in the pilot judgment (see *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, § 172, 10 January 2012), what is important is that the proposed sums are not unreasonable in comparison with the awards made by the Court in similar cases (see *Cocchiarella v. Italy* [GC], no. 64886/01, § 105, ECHR 2006-V). The Government have committed themselves to effecting the payment of those sums within three months of the Court's decision, with default interest to be payable in case of delay of settlement.

19. The Court therefore considers that it is no longer justified to continue the examination of these cases in the part concerning the above-mentioned complaints. . As the Committee of Ministers remains competent to supervise, in accordance with Article 46 § 2 of the Convention, the implementation of the judgments concerning the same issues, the Court is also satisfied that respect for human rights as defined in the Convention (Article 37 § 1 *in fine*) does not require it to continue the examination of this part of the case. In any event, the Court's decision is without prejudice to any decision it might take to restore, pursuant to Article 37 § 2 of the Convention, the applications to its list of cases, should the Government fail to comply with the terms of their unilateral declaration (see *Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008, and *Aleksentseva and 28 Others v. Russia* (dec.), nos. 75025/01 et al., 23 March 2006).

20. In view of the above, it is appropriate to strike the cases out of the list in the part concerning the above-mentioned complaints.

C. The other complaints

21. Some applicants also raised additional complaints with reference to various Articles of the Convention and its Protocols.

22. Having regard to all the material in its possession, and in so far as it has jurisdiction to examine the allegations, the Court has not found any appearance of a breach of the rights and freedoms guaranteed by the Convention or its Protocols in that part of their applications.

23. It follows that the applications in this part must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court unanimously

Takes note of the terms of the respondent Government's declarations under Articles 3, 5 § 3 and 6 § 1 of the Convention and of the modalities for ensuring compliance with the undertakings referred to therein;

Decides to strike a part of the applications out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

Declares the remainder of the applications inadmissible.

André Wampach
Deputy Registrar

Khanlar Hajiyev
President

APPENDIX

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by
1.	15754/06	09/02/2006	Aleksandr Vitalyevich SKRYLEV 23/02/1980 Bataysk	
2.	22107/07	09/04/2007	Valeriy Vladimirovich YAROSH 13/10/1984 Tolikovo	
3.	22476/07	19/03/2007	Aleksey Mikhaylovich SANKOV 20/11/1987 Voronezh	
4.	49770/07	08/10/2007	Azat Zaydyatovich SHAYDULLOV 25/11/1967 Ivdel	
5.	42297/08	28/05/2008	Dmitriy Vyacheslavovich GREBENSHCHIKOV 19/05/1968 Volgograd	
6.	59141/08	30/10/2008	Aleksandr Yevgenyevich STEPANOV 18/05/1972 Novotroitsk	
7.	60802/08	07/11/2008	Vladimir Ilyich NEKRASOV 29/06/1961 Moscow	Aleksandr Yakovlevich ASNIS
8.	27551/09	28/04/2009	Yuriy Gennadyevich SOLYANNIKOV 22/09/1974 Vladivostok	

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by
9.	40789/09	20/07/2009	Aleksandr Mikhaylovich AKSENOV 24/06/1962 Astrakhan	Aleksandr Anatolyevich ANOKHIN
10.	56311/09	12/10/2009	Yuriy Nikolayevich KRASHENINNIKOV 14/02/1971	Aleksandr Anatolyevich ANOKHIN
11.	59538/09	12/10/2009	Albert Elziganovich BAKHISHEV 16/05/1966 Astrakhan	Prof. Dr. Ulrich SOMMER ¹
12.	45648/10	09/07/2010	Same as above	Same as above
13.	44683/10	27/07/2010	Mark Mikhaylovich MARZAYEV 31/10/1969 Astrakhan	Aleksandr Anatolyevich ANOKHIN
14.	61305/10	28/09/2009	Islyam Galiyevich SHANGALIYEV 27/07/1977 Astrakhan	Margarita Vladimirovna GORDEYEVA
15.	65850/10	01/11/2010	Igor Pavlovich KUZNETSOV 18/07/1989 Penza	Aleksandr Anatolyevich ANOKHIN
16.	11057/11	27/01/2011	Vasiliy Adamovich PRODAN 09/02/1949 St Petersburg	
17.	20662/11	03/03/2011	Mikhail Viktorovich SALNIKOV 17/11/1966 St-Petersburg	
18.	31041/11	25/04/2011	Aleksandr Sergeyevich KORATKEVICH 19/01/1981	

¹ Rectified on 23 September 2014: the text was “Konstantin Borisovich KOZHANOV”

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by
			St Petersburg	