CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FIRST SECTION

DECISION

Application no. 30162/04
by Batraz Aleksandrovich ADEYEV
against Russia

The European Court of Human Rights (First Section), sitting on 10 April 2007 as a Chamber composed of:

Mr C.L. ROZAKIS, *President*,
Mrs N. VAJIĆ,
Mr A. KOVLER,
Mrs E. STEINER,
Mr K. HAJIYEV,
Mr D. SPIELMANN,
Mr S.E. JEBENS, *judges*

and Mr S. NIELSEN, *Section Registrar*,

Having regard to the above application lodged on 1 August 2004,

Having regard to the decision to apply Article 29 § 3 of the Convention and examine the admissibility and merits of the case together,

Having regard to the formal declarations accepting a friendly settlement of the case,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Batraz Aleksandrovich Adeyev, is a Russian national who was born in 1955 and lives in Vladikavkaz, the Republic of North Ossetia-Alania. He was represented before the Court by Mr A.Y. Dzilikhov, a lawyer practising in Vladikavkaz. The Russian Government were represented by Mr P. Laptev, Representative of the Russian Federation at the European Court of Human Rights.

The facts of the case, as submitted by the parties, may be summarised as follows.

In 1987 the applicant took part in the emergency operations at the site of the Chernobyl nuclear plant disaster. As a result he suffered from extensive exposure to radioactive emissions. In 1995 he underwent medical examinations which established the link between his poor health and his involvement in the Chernobyl events. The applicant was awarded compensation to be paid monthly.

In 2002 the applicant brought proceedings against the Ministry of Labour and Social development of the Republic of North Ossetia-Alania. He sought to increase the compensation, to backdate the increase and to recover the unpaid amount.

On 5 December 2002 the Sovetskiy District Court of Vladikavkaz granted his claim and awarded him 173,218.18 Russian roubles. The judgment was not appealed against and acquired legal force ten days later.

On 11 February 2003 the District Court issued a writ of execution.

On 26 March 2003 the enforcement proceedings were instituted.

On 7 April 2003 the Supreme Court of the Republic of North Ossetia-Alania suspended the enforcement proceedings pending the examination of the application for supervisory review filed by the defendant.

On 17 June 2003 the Supreme Court of the Republic of North Ossetia-Alania rejected the application for supervisory review.

On 25 July 2003 the enforcement proceedings were re-opened.

On 19 April 2004 the Sovetskiy District Court of Vladikavkaz examined the defendant's request to clarify the operative part of the judgment of 5 December 2002. The court held that the amount awarded to the applicant had to be paid by the Ministry of Labour and Social development out of the federal budget.

The judgment of 5 December 2002 as clarified by the decision of 19 April 2004 was enforced in full on 14 September 2005.

COMPLAINTS

The applicant complained under Article 6 of the Convention and Article 1 of Protocol No. 1 to the Convention about the delayed enforcement of the judgment of the Sovetskiy District Court of Vladikavkaz of 5 December 2002 as clarified by the decision of the same court of 19 April 2004.

THE LAW

On 11 January 2007 the Government forwarded to the Court a copy of an agreement of 21 November 2006 concluded between the Welfare Department of the Zaterechnyy District of Vladikavkaz and the applicant.

By a letter posted on 14 February 2007 the applicant's representative formally confirmed that the applicant had accepted the settlement in question.

The relevant part of the agreement, as translated from Russian, provides as follows:

> "The authorities of the Russian Federation represented by Ms Diambekova Dzhulietta Solomonovna, the head of the Welfare Department of the Zaterechnyy District of Vladikavkaz, ... and Mr Adeyev Batraz Aleksandrovich, the applicant, ... reached an agreement in the case 30162/04 'Adeyev v. Russia' on the basis of respect for human rights as defined in the European Convention for the Protection of Human Rights and Fundamental Freedoms in order to terminate the proceedings before the European Court of Human Rights on the following terms:
>
> 1) Under the present agreement the authorities of the Russian Federation shall pay the applicant 100,000 (one hundred thousand) Russian roubles in compensation for non-pecuniary damage.
>
> The indicated amount shall be free of any taxes and will be payable within three months following the decision of the European Court [of Human Rights] to strike the application out of its list of cases.
>
> The said payment will constitute the final settlement of the case.
>
> 2) Mr Adeyev Batraz Aleksandrovich declares that he has no more claims against the Russian Federation on the facts submitted in his application in the European Court [of Human Rights], provided that the provisions of the first paragraph are satisfied.
>
> 3) Once the provisions of the first paragraph are satisfied, the Russian Federation and the applicant undertake to inform the European Court of Human Rights thereof.
>
> 4) The present agreement constitutes the final settlement of the dispute. The Russian Federation and Mr Adeyev undertake not to request the referral of the case to the Grand Chamber of the European Court [of Human Rights] under Article 43 § 1 of the Convention.
>
> 5) The costs and expenses incurred before the European Court [of Human Rights] are not reimbursed under the present agreement."

The Court takes note of the agreement reached between the parties. It is satisfied that the agreement is based on respect for human rights as defined in the Convention and its Protocols and finds no public policy reasons to justify a continued examination of the application (Article 37 § 1 *in fine* of the Convention). Accordingly, Article 29 § 3 of the Convention should no longer apply to the case and it should be struck out of the list.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases.

Søren NIELSEN
Registrar

Christos ROZAKIS
President