

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

THIRD SECTION

DECISION

Application no. 44119/13
Andrey Vladimirovich ARKHANGELSKIY
against Russia

The European Court of Human Rights (Third Section), sitting on 8 November 2016 as a Committee composed of:

Helen Keller, *President,*
Pere Pastor Vilanova,
Alena Poláčková, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 27 June 2013,

Having regard to the declaration submitted by the respondent Government on 2 September 2016 requesting the Court to strike the application out of the list of cases and the applicant's reply to that declaration,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Andrey Vladimirovich Arkhangelskiy, is a Russian national, who was born in 1981 and was detained in Krasnodar. He was represented before the Court by Mr R. Khusht, a lawyer practising in the Republic of Adygea.

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

The applicant complained that his detention had been unlawful and also excessively long.

The application was communicated to the Government.

By letter dated 2 September 2016 the Government informed the Court that they proposed to make a declaration with a view to resolving the issues raised by the application.

They acknowledged a violation of the applicant's rights guaranteed by Article 5 § 1 (c) and 5 § 3 of the Convention. They undertook to pay the applicant 5,000 euros to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which would be converted into Russian roubles at the rate applicable on the date of payment, and would be free of any taxes that may be applicable. The payment would be made within three months from the date of notification of the decision taken by the Court. In the event of failure to pay this sum within the said three-month period, the Government undertook 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. They requested the Court to strike out the application.

On 26 September 2016 the Court received a letter from the applicant informing the Court that he had agreed to the terms of the Government's declaration.

THE LAW

The Court finds that, following the applicant's express agreement to the terms of the declaration made by the Government, the case should be treated as a friendly settlement between the parties.

It therefore takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and its Protocols and finds no reasons to justify a continued examination of the application.

In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court, unanimously,

Decides to strike the application out of its list of cases pursuant to Article 39 of the Convention.

Done in English and notified in writing on 1 December 2016.

Fatoş Aracı
Deputy Registrar

Helen Keller
President