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

THIRD SECTION

DECISION

Application no. 33727/14
Nabi Abdulmuslimovich ATASHEV and
Ada Magomedsharipovna ATASHEVA
against Russia

The European Court of Human Rights (Third Section), sitting on 15 November 2016 as a Chamber composed of:

Luis López Guerra, *President,*
Helena Jäderblom,
Helen Keller,
Dmitry Dedov,
Branko Lubarda,
Alena Poláčková,
Georgios A. Serghides, *judges,*

and Stephen Phillips, *Section Registrar,*

Having regard to the above application lodged on 16 April 2014,

Having regard to the declarations submitted by the respondent Government on 26 May 2016 requesting the Court to strike the application out of the list of cases and the applicants' reply to these declarations,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicants, Mr Nabi Abdulmuslimovich Atashev ("the first applicant") and Ms Ada Magomedsharipovna Atasheva ("the second applicant"), are Russian nationals, who were born in 1982 and 1981 respectively and live in Makhachkala, Republic of Dagestan. The applicants are a married couple. They were represented before the Court by lawyers from the Stichting Russian Justice Initiative and Mr Sh. Isayev, a lawyer practising in Moscow.

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

The applicants were injured as a result of the use of firearms by police officers during a police operation. They complained under Articles 2 and 13 of the Convention that police officers had used a potentially lethal force against them, the authorities had failed to carry out an effective investigation into their complaints and they had not had effective remedies for their complaints under Article 2.

The application was communicated to the Government.

By a letter of 26 May 2016 the Government submitted two unilateral declarations. The first declaration concerned complaints raised by the first applicant and the second declaration concerned complaints raised by the second applicant.

The first declaration reads as follows:

> "I, Georgy Matyushkin, the Representative of the Russian Federation at the European Court of Human Rights, hereby declare that the Russian Government acknowledge that Nabi Abdulmuslimovich Atashev was at risk of being deprived of his life in violation of Article 2 of the Convention; as well as that the domestic investigation of these circumstances did not comply with requirements of Article 2 of the Convention.
>
> The Russian Government are ready to pay the applicant a sum of EUR 20 000 as just satisfaction.
>
> The Russian Government 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 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 for the Protection of Human Rights and Fundamental Freedoms and shall be converted into Russian roubles at the date applicable in the date of payment. 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.
>
> The payment will constitute the final resolution of the case."

The second declaration reads as follows:

> "I, Georgy Matyushkin, the Representative of the Russian Federation at the European Court of Human Rights, hereby declare that the Russian Government acknowledge that Ada Magomedsharipovna Atasheva was at risk of being deprived of her life in violation of Article 2 of the Convention; as well as that the domestic investigation of these circumstances did not comply with requirements of Article 2 of the Convention.

> The Russian Government are ready to pay the applicant a sum of EUR 20 000 as just satisfaction.
>
> The Russian Government 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 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 for the Protection of Human Rights and Fundamental Freedoms and shall be converted into Russian roubles at the date applicable in the date of payment. 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.
>
> The payment will constitute the final resolution of the case."

On 23 August 2016, the Court received a letter from the applicants' representatives informing the Court that the applicants had agreed to reach a friendly settlement with the Government on the conditions determined in their letter of 26 May 2016.

THE LAW

The Court finds that following the applicants' express agreement to the terms of the declarations 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 8 December 2016.

Stephen Phillips
Registrar

Luis López Guerra
President