

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

THIRD SECTION

DECISION

Application no. 43457/16
Igor Petrovich BABOSHIN
against Russia

The European Court of Human Rights (Third Section), sitting on 31 October 2017 as a Committee composed of:

Branko Lubarda, *President,*
Pere Pastor Vilanova,
Georgios A. Serghides, *judges,*
and Stephen Phillips, *Section Registrar,*

Having regard to the above application lodged on 4 July 2016,

Having regard to the declaration submitted by the respondent Government 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:

THE FACTS AND PROCEDURE

The applicant, Mr Igor Petrovich Baboshin, is a Russian national, who was born in 1967 and lives in Kostroma. His application was lodged on 4 July 2016. He was represented before the Court by Mr A. Vinogradov, a lawyer practising in Kostroma.

The Russian Government ("the Government") were represented initially by Mr G. Matyushkin, the Representative of the Russian Federation to the European Court of Human Rights, and then by his successor at that post, Mr M. Galperin.

The case concerned conditions of detention in a special detention centre for administrative arrestees in Kostroma from 8 to 16 February 2017.

On 26 April 2017 the Government submitted a unilateral declaration with a view to resolving the issues raised by the applicant. They acknowledged the inadequate conditions of detention offered to pay the applicant

4,000 euro as just satisfaction and invited the Court to strike the application out of the list of cases in accordance with Article 37 § 1 (c) of the Convention. The amount would be converted into the currency of the respondent State at the rate applicable on the date of payment, and would be payable within three months from the date of notification of the Court's decision. In the event of failure to pay these amounts within the above-mentioned three-month period, the Government undertook to pay simple interest on them, from the 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 would constitute the final resolution of the case.

On 6 June 2017 the applicant informed the Court that he agreed to the terms of the declaration.

THE LAW

The Court finds that the applicant's express agreement to the terms of the declaration submitted by the Government leads to a friendly settlement of the case by the parties.

The Court therefore takes note of the friendly settlement reached by the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and the Protocols thereto and finds no reasons to continue the 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 in accordance with Article 39 of the Convention.

Done in English and notified in writing on 23 November 2017.

Stephen Phillips
Registrar

Branko Lubarda
President