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

THIRD SECTION

DECISION

Application no. 41849/04
Vladimir Petrovich BAZHENOV and Zhanna Grigoryevna BAZHENOVA
against Russia
and 24 other applications
(see list appended)

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

Helena Jäderblom, *President,*
Dmitry Dedov,
Branko Lubarda, *judges,*
and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above applications lodged on the dates indicated in the Appendix,

Having regard to the declarations submitted by the respondent Government on various dates (see the Appendix) 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

A list of applicants is set out in the Appendix.

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

The applicants were parties to civil proceedings that took place in courts of ordinary jurisdiction and in commercial courts in various regions of Russia. These disputes concerned various civil matters such as labour, housing, property and monetary issues. The impugned proceedings lasted between three and twelve years.

The applicants complained, in particular, about the length of the proceedings in their cases.

On the dates specified in the Appendix the Government informed the Court that they proposed to make declarations with a view to resolving the issues raised by the applications.

They acknowledged that the length of the proceedings in the applicants' cases had been in breach with the "reasonable time" requirement set down in Article 6 of the Convention. They stated their readiness to pay to the applicants the sums listed in the Appendix as just satisfaction. The payments were to cover any pecuniary and non-pecuniary damage as well as costs and expenses, and would be free of any taxes that may be applicable. They would be payable within three months from the date of notification of the decision taken by the Court. In the event of failure to pay the sums within the said period, the Government undertook to pay simple interest on them, 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 payments would constitute the final resolution of the cases.

In their letters received on the dates indicated in the Appendix, the applicants informed the Court that they agreed to the terms of the Government's declarations.

The Court considers that the amounts proposed by the Government should be converted into Russian roubles at the rate applicable on the date of payment.

THE LAW

A. Joinder of the applications

Given their similar factual and legal background, the Court decides to join the applications and examine them in a single decision.

B. *Locus standi* as regards application no. 3543/06

The Court takes note of Mr Aleksandr Pavlovich Yerastov's death on 21 March 2008 and of the wish of Ms Natalia Ivanovna Yerastova, his widow, to pursue the proceedings in his stead.

On 28 June 2013 the Court received the certificate confirming that the applicant's widow was his legal successor.

The Court has previously accepted that close relatives of applicants who have died can maintain applications that include complaints concerning various aspects of Article 6 of the Convention (see *Shiryayeva v. Russia*,

no. 21417/04, § 8, 13 July 2006, concerning the non-enforcement of domestic judgments, and *Horváthová v. Slovakia*, no. 74456/01, § 26, 17 May 2005, in the context of the length of proceedings).

The Government did not contend that Ms Natalia Ivanovna Yerastova, the legal successor of her deceased husband, had no standing to pursue the case. Therefore, the Court considers that the applicant's widow has a legitimate interest in pursuing the application.

C. Complaints about the length of proceedings

The Court finds that following the applicants' express agreement to the terms of the declarations made by the Government, the cases should be treated as a friendly settlement between the parties (see *Cēsnieks v. Latvia* (dec.), no. 9278/06, § 34, 6 March 2012, and *Bakal and Others v. Turkey* (dec.), no. 8243/08, 5 June 2012).

The Court therefore takes note of the friendly settlement reached between the parties in each case. It is satisfied that the settlements are 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 applications.

In view of the above, it is appropriate to strike the cases out of the list in respect of the complaints about the length of proceedings.

D. Complaints of lack of an effective domestic remedy

Some of the applicants complained under Article 13 of the Convention that they did not have at their disposal an effective domestic remedy in respect of the excessive length of proceedings.

The Government did not specify their position in relation to this complaint.

The Court takes cognisance of the existence of a new remedy against excessive length of proceedings introduced by federal laws № 68-FZ and № 69-FZ on 4 May 2010 in the wake of the pilot judgment adopted in the case of *Burdov v. Russia (no. 2)* (no. 33509/04, ECHR 2009), and notes that all the applicants were in principle enabled to claim compensation under the transitional provisions of the new law (see *Palacheva v. Russia*, no. 39814/04, § 72, 19 June 2014).

Having regard to the above, the Court does not find it necessary to continue a separate examination of the complaints under Article 13 of the Convention in the present cases (see *Zemlyanskiy and Others v. Russia* (dec.), nos. 18969/06 et al., 13 March 2012, and *Pobudilina and Others v. Russia* (dec.), nos. 7142/05 et al., 29 March 2011).

E. Other complaints

Some of the applicants raised additional complaints with reference to various Articles of the Convention and its Protocols. However, in the light of all the material in its possession, and in so far as the matters complained of are within its competence, the Court finds that they do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols.

It follows that the applications in this part are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Decides that in respect of application no. 3543/06, Ms Natalia Ivanovna Yerastova has standing to continue the proceedings in Mr Aleksandr Pavlovich Yerastov's stead;

Decides to strike out of its list of cases in accordance with Article 39 of the Convention the applications in respect of the complaints about the length of proceedings;

Decides that there is no need for separate examination of the complaints under Article 13 of the Convention about the lack of an effective remedy;

Declares the remainder of the applications inadmissible.

Done in English and notified in writing on 7 April 2016.

Marialena Tsirli
Deputy Registrar

Helena Jäderblom
President

APPENDIX

No	Application no.	Lodged on	Applicant Date of birth Place of residence	Date of declaration and compensation offered (in euros)	Acceptance of the declaration by the applicant(s) received on
1.	41849/04	26/10/2004	**Vladimir Petrovich BAZHENOV** 06/03/1942 Rylsk **Zhanna Grigoryevna BAZHENOVA** 24/10/1944 Rylsk Represented by: Ilya Vladimirovich SIVOLDAYEV	06/04/2015 EUR 2,000 jointly	28/07/2015
2.	21719/05	12/05/2005	**Vladimir Dmitriyevich ZAKHAROV** 11/12/1935 St Petersburg	13/01/2015 EUR 4,000	17/02/2015
3.	3369/06	09/12/2005	**Aleksey Petrovich BORISOV** 04/03/1965 St Petersburg Represented by: Aleksandr Lazarevich LIFSHITS	06/04/2015 EUR 2,500	27/05/2015

No	Application no.	Lodged on	Applicant Date of birth Place of residence	Date of declaration and compensation offered (in euros)	Acceptance of the declaration by the applicant(s) received on
4.	3543/06	01/11/2005	**Natalya Ivanovna YERASTOVA** 29/01/1960 Nizhniy Novgorod **Anna Aleksandrovna MUKHINA**[1] 29/12/1985 Nizhniy Novgorod **Yelena Aleksandrovna BAZHAYEVA**[2] 05/01/1988 Nizhniy Novgorod **Aleksandr Pavlovich YERASTOV** 13/08/1960 - 21/03/2008 Nizhniy Novgorod Legal successor: Natalya Ivanovna YERASTOVA	06/02/2015 EUR 1,200 to N.I. Yerastova; EUR 2,800 to each of the applicants A.A. Mukhina and Ye.A. Bazhayeva; EUR 3,000 to N.I. Yerastova as legal successor of A.P. Yerastov	09/03/2015
5.	31477/06	16/05/2006	**Mariya Fedorovna POLYAKOVA** 06/03/1956 Pevek	06/04/2015 EUR 3,700	21/07/2015

1. In the course of the proceedings before the Court the last name of this applicant changed from Yerastova to Mukhina.
2. In the course of the proceedings before the Court the last name of this applicant changed from Yerastova to Bazhayeva.

No	Application no.	Lodged on	Applicant Date of birth Place of residence	Date of declaration and compensation offered (in euros)	Acceptance of the declaration by the applicant(s) received on
6.	13446/07	30/01/2007	**Aleksey Yuryevich BARANOV** 21/06/1973 Vyborg Represented by: Tatyana Fedorovna KLYKOVA	06/04/2015 EUR 2,000	09/06/2015
7.	15425/07	23/01/2007	**Valentina Aleksandrovna PACHKUNOVA** 17/05/1946 St Petersburg **Nina Petrovna PACHKUNOVA** 18/02/1976 St Petersburg	13/01/2015 EUR 3,500 to each applicant	09/04/2015
8.	19359/07	26/03/2007	**Aleksandr Yevgenyevich PROKHOROV** 22/01/1962 St Petersburg Represented by: Aleksandr Lazarevich LIFSHITS	13/01/2015 EUR 500	05/03/2015
9.	47213/07	17/10/2007	**Nataliya Anatolyevna STEPANOVA** 13/01/1948 Krasnogorsk **Konstantin Lvovich STEPANOV** 02/07/1947 Krasnogorsk	13/01/2015 EUR 2,000 to each applicant	07/04/2015

No	Application no.	Lodged on	Applicant Date of birth Place of residence	Date of declaration and compensation offered (in euros)	Acceptance of the declaration by the applicant(s) received on
10.	1989/08	09/11/2007	**Olga Aleksandrovna GRIBANOVA** 18/10/1958 Ufa	18/09/2015 EUR 3,000	02/12/2015
11.	16602/08	19/02/2008	**Dmitriy Nikolayevich NERETIN** 13/02/1962 Tula	18/09/2015 EUR 900	17/11/2015
12.	25210/08	01/04/2008	**Igor Yuryevich SVIRIDOV** 08/04/1989 St Petersburg	18/09/2015 EUR 2,400	10/11/2015
13.	26895/08	29/03/2008	**Valentin Fedorovich KIRICHENKO** 24/02/1946 Novoyasenevo	18/09/2015 EUR 1,800	15/12/2015
14.	30813/08	12/04/2008	**Vladimir Aleksandrovich VEDERNIKOV** 02/12/1952 Kuznetsk	18/09/2015 EUR 2,000	05/11/2015
15.	33928/08	30/04/2008	**Viktor Petrovich RYAZANTSEV** 13/08/1948 Kaliningrad	18/09/2015 EUR 2,400	09/11/2015
16.	40971/08	31/07/2008	**Aleksandr Sergeyevich KOVALENKO** 17/03/1970 Ilanskiy	18/09/2015 EUR 2,000	10/11/2015
17.	45315/08	21/07/2008	**Irina Aleksandrovna KAZARINA** 03/03/1950 St Petersburg	18/09/2015 EUR 2,800	17/11/2015
18.	45521/08	21/07/2008	**Maksim Eduardovich MIROSHNIKOV** 04/02/1973 Kushmangort	18/09/2015 EUR 1,200	24/11/2015

No	Application no.	Lodged on	Applicant Date of birth Place of residence	Date of declaration and compensation offered (in euros)	Acceptance of the declaration by the applicant(s) received on
19.	48888/08	01/09/2008	**Andrey Valentinovich TSVETKOV** 23/08/1961 Sovetsk	18/09/2015 EUR 2,600	24/11/2015
20.	56777/08	30/08/2008	**Raisa Mitrofanovna BUDURATSKAYA** 01/08/1946 Svetlogorsk	18/09/2015 EUR 2,000	19/11/2015
21.	61024/08	05/11/2008	**Galina Mikhaylovna ZHUBRINA** 28/10/1950 Anapa	18/09/2015 EUR 2,100	28/10/2015
22.	7923/09	17/01/2009	**Mugallima Zakirovna TUKTAROVA** 07/02/1942 Nizhnyaya Maktama	18/09/2015 EUR 1,100	12/11/2015
23.	10510/09	15/07/2008	**Valentina Aleksandrovna SKRIPINA** 17/08/1934 Anapa	18/09/2015 EUR 2,300	23/11/2015
24.	14356/09	14/02/2009	**Aleksandr Aleksandrovich TKACHEV** 08/02/1954 Krasnyy Vostok	18/09/2015 EUR 3,200	04/11/2015
25.	18836/09	22/11/2008	**Anatoliy Ivanovich PRITYKO** 07/03/1958 Omsk	18/09/2015 EUR 1,800	25/01/2016