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

THIRD SECTION

DECISION

Application no. 6586/07
Sergey Petrovich CHUMACHENKO against Russia
and 4 other applications
(see list appended)

The European Court of Human Rights (Third Section), sitting on 22 November 2016 as a Committee composed of:

Branko Lubarda, *President,*
Pere Pastor Vilanova,
Georgios A. Serghides, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above applications lodged on the dates set out in the appendix,

Having regard to the decision to apply the pilot-judgment procedure taken in the case of *Gerasimov and Others v. Russia* (nos. 29920/05 and 10 others, § 218, 1 July 2014),

Having regard to the declarations submitted by the Government and the applicants' acceptance of their terms,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicants are five Russian nationals whose names and dates of birth are set out in the appendix.

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

The applicants complained, among other matters, about the delayed enforcement of the judgments in their favour imposing various obligations in kind on domestic authorities and the lack of the effective remedies in respect of the non-enforcement complaint. Dates of the judgments, their entry into force and their full enforcement are set out in the appendix.

In the wake of the pilot judgment, on various dates in December 2014 the applications were communicated to the Government (see *Gerasimov and Others,* cited above, §§ 230-31, and point 13 of the operative part).

On the dates specified in the appendix the Government submitted unilateral declarations with a view to resolving the issues raised by the applications.

In their declarations they acknowledged, in each case, the lengthy enforcement of the judgment in the applicant's favour. The unilateral declarations further contained, in each case, the dates of the judgment at issue, its entry into force and its full enforcement, as well as an overall enforcement delay.

The authorities 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 LAW

Having regard to the similarity of the main issues under the Convention in the above cases, the Court decides to join the applications and examine them in a single decision.

The Court attaches particular weight to the applicants' express agreement to the terms of the declarations made by the Government. It finds that such agreement shall be considered 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 formal note of the friendly settlement reached between the parties. The Court further considers that the settlement is based on respect for human rights as defined in the Convention and its Protocols (Article 37 § 1 in fine of the Convention and Rule 62 § 3 of the Rules of Court).

In any event the Committee of Ministers remains competent to supervise the execution of the terms of the friendly settlement as set out in the present

decision (Article 39 § 4 of the Convention and Rule 43 § 3 of the Rules of Court). Further, in any event the Court's present ruling is without prejudice to any decision it might take to restore, pursuant to Article 37 § 2 of the Convention, the present applications to its list of cases.

In view of the above, it is appropriate to strike the cases out of the list in accordance with Article 39 of the Convention.

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

For these reasons, the Court, unanimously,

Decides to join the applications;

Decides, having regard to the terms of the Government's declarations, and the arrangements for ensuring compliance with the undertakings referred to therein, and the applicants' acceptance of the terms of the declarations, to strike the applications out of its list of cases in accordance with Article 39 of the Convention.

Done in English and notified in writing on 15 December 2016.

Fatoş Aracı
Deputy Registrar

Branko Lubarda
President

APPENDIX

No.	Application no. Lodged on	Applicant Date of birth Place of residence	Representative	Subject-matter Date of judgment Final on	Enforcement date Enforcement delay	Date of unilateral declaration Remedial offer (euros)	Date of applicant's letter in reply
1.	6586/07 18/12/2006	**Sergey Petrovich CHUMACHENKO** 29/08/1958 Rostov-na-Donu		Housing 25/05/2006 12/07/2006	11/08/2009 3 years 30 days	08/12/2015 3,025	09/01/2016
2.	32506/07 06/06/2007	**Nadezhda Vladimirovna GORDEYEVA** 14/12/1961 Kronshtadt, the Leningrad Region	Rustem Abdullovich ZARBEYEV	Housing 29/11/2016 15/12/2016	01/02/2012 5 years 1 month 17 days	09/12/2015 5,030	22/01/2016
3.	59603/08 06/11/2008	**Mukhomed Maksharipovich OZDOYEV** 16/02/1961 Ordzhonikidzevskaya, the Republic of Ingushetia		Housing 25/06/2007 30/08/2007	07/12/2011 4 years 3 months 7 days	16/12/2015 4,190	20/01/2016
4.	48750/10 20/08/2010	**Yuriy Vladislavovich BELYAYEV** 27/07/1965 Samara		An entry in the cadastral record 10/09/2009 20/09/2009	07/12/2011 2 years 2 months 17 days	18/01/2016 1,080	03/03/2016
5.	54468/10 15/09/2010	**Igor Zakharovich YEVTUSHENKO** 27/04/1957 Moscow		Housing 31/07/2009 18/08/2009	03/10/2012 3 years 1 month 15 days	16/12/2015 3,060	20/01/2016