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

# THIRD SECTION

# DECISION

Application no. 32579/18
Ralif Raufovich FAIZOV
against Russia
(see appended table)

The European Court of Human Rights (Third Section), sitting on 6 October 2022 as a Committee composed of:

Darian Pavli*, President,*
Andreas Zünd*,*
Frédéric Krenc*, judges,*

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 25 June 2018,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases,

Having deliberated, decides as follows:

## FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant's complaints under Article 3 of the Convention concerning the inadequate conditions of detention during transport were communicated to the Russian Government ("the Government"). Complaints based on the same facts were also communicated under other provisions of the Convention.

## THE LAW

The applicant complained about the conditions of his transport to and from the courthouse from 13 February 2013 to 16 June 2021. He referred to Articles 3 and 13 of the Convention which read as follows:

**Article 3**

"No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

**Article 13**

"Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."

The Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the application in accordance with Article 37 of the Convention

The Government acknowledged that from 13 February 2013 to 25 October 2018 the conditions of the applicant's detention during transport had been in breach of Article 3 of the Convention. They further acknowledged that the domestic authorities had violated the applicant's rights guaranteed by Article 13 of the Convention. They offered to pay the applicant the amount detailed in the appended table 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 this amount within the above-mentioned three-month period, the Government undertook to pay simple interest on it, 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 will constitute the final resolution of the case.

The applicant was sent the terms of the Government's unilateral declaration several weeks before the date of this decision. The Court has not received a response from the applicant accepting the terms of the declaration.

The Court observes that Article 37 § 1 (c) enables it to strike a case out of its list if:

"... for any other reason established by the Court, it is no longer justified to continue the examination of the application".

Thus, it may strike out an application under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicant wishes the examination of the case to be continued (see, in particular, the *Tahsin Acar v. Turkey* judgment (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI).

The Court has established clear and extensive case-law concerning complaints relating to the inadequate conditions of detention during transport (see, for example, *Idalov v. Russia* [GC], no. 5826/03, §§ 103-08, 22 May 2012).

Noting the admissions contained in the Government's declaration as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the application (Article 37 § 1 (c)).

In the light of the above considerations, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the application (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application may be restored to the list in accordance with Article 37 § 2 of the Convention (see *Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

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

Regard being to the above finding, the Court does not consider it necessary to examine the remainder of the applicant's submissions concerning the period from 25 October 2018 to 16 June 2021.

For these reasons, the Court, unanimously,

*Takes note* of the terms of the respondent Government's declaration and of the arrangements for ensuring compliance with the undertakings referred to therein;

*Decides* to strike the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

Done in English and notified in writing on 27 October 2022.

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| Viktoriya Maradudina | Darian Pavli |
| Acting Deputy Registrar | President |

# APPENDIX

## Application raising complaints under Article 3 of the Convention (inadequate conditions of detention during transport)

| Application no.<br>Date of introduction | Applicant's name<br>Year of birth | Other complaints under well-established case-law | Date of receipt of Government's declaration | Date of receipt of applicant's comments, if any | Amount made for pecuniary and non-pecuniary damage and costs and expenses under the unilateral declaration (in euros)[1] |
|---|---|---|---|---|---|
| 32579/18<br>25/06/2018 | **Ralif Raufovich FAIZOV**<br>1972 | Art. 13 - lack of any effective remedy in domestic law to complain about poor conditions of transport | 21/01/2019 | 04/04/2019 | 1,000 |

[1] Plus any tax that may be chargeable to the applicant