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

THIRD SECTION

DECISION

Applications nos. 38397/18 and 16347/20
Petr Ivanovich KAZAKOV against Russia
and Olga Ivanovna KONTSEVICH and Irina Nikolayevna RYBAKOVA
against Russia

The European Court of Human Rights (Third Section), sitting on 1 July 2021 as a Committee composed of:

Darian Pavli, *President,*
Dmitry Dedov,
Peeter Roosma, *judges,*

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having regard to the declarations submitted by the respondent Government requesting the Court to strike the applications out of the list of cases, and the applicants' replies to these declarations,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants' complaints under Articles 8 and 13 of the Convention concerning the allocation or transfer to a remote penal facility irrespective of family life considerations and the lack of an effective remedy in that respect were communicated to the Russian Government ("the Government"). In application no. 38397/18, complaints based on the same facts were also communicated under other provisions of the Convention.

The Government submitted a joined declaration in respect of all three applicants with a view to resolving the issues raised by these complaints under Articles 8 and 13 of the Convention. They further requested the Court to strike out the applications.

The Government acknowledged the allocation or transfer to a remote penal facility irrespective of family life considerations. They further

acknowledged that the domestic authorities had violated the applicants' rights guaranteed by Article 13 of the Convention. They offered to pay the applicants the amount detailed in the appended table and invited the Court to strike the applications 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 that 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 cases.

The applicants informed the Court that they agreed to the terms of the declaration.

THE LAW

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

The Court finds that, following the applicants' express agreement to the terms of the declaration made by the Government, the cases 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 the Protocols thereto and finds no reasons to justify the continued examination of the applications in the part covered by the declaration.

In view of the above, it is appropriate to strike the cases out of the list as regards the complaints concerning the allocation or transfer to a remote penal facility irrespective of family life considerations and lack of an effective remedy in that regard.

The applicant, Mr Kazakov (application no. 38397/18), also raised complaints under Articles 3 and 13 of the Convention concerning the conditions of his detention and the lack of an effective remedy in that respect.

The Court has examined the complaints and considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints either do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

It follows that this part of the application must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Decides to strike the applications out of its list of cases in accordance with Article 39 of the Convention as regards the complaints concerning the allocation or transfer to a remote penal facility irrespective of family life considerations and lack of an effective remedy in that regard;

Declares the remainder of application no. 38397/18 inadmissible.

Done in English and notified in writing on 22 July 2021.

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Viktoriya Maradudina	Darian Pavli
Acting Deputy Registrar	President

APPENDIX

List of applications raising complaints under Article 8 § 1 of the Convention

(allocation or transfer to a remote penal facility irrespective of family life considerations)

Application no. Date of introduction	Applicant's name Year of birth	Other complaints under well-established case-law	Date of receipt of Government's declaration	Date of receipt of applicant's acceptance	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per household (in euros)[1]
38397/18 01/08/2018 AND 16347/20 23/03/2020	**Household** **Petr Ivanovich KAZAKOV** 1985 **Olga Ivanovna KONTSEVICH** 1987 **Irina Nikolayevna RYBAKOVA** 1965	Art. 13 - lack of any effective remedy in domestic law in respect of allocation to a remote facility.	13/11/2020	15/01/2021	6,000

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