

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

THIRD SECTION

DECISION

Application no. 60465/10
Galina Pavlovna KAZANSKAYA against Russia
and 7 other applications
(see list appended)

The European Court of Human Rights (Third Section), sitting on 7 December 2017 as a Committee composed of:

Luis López Guerra, *President,*
Dmitry Dedov,
Jolien Schukking, *judges,*

and Liv Tigerstedt, *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,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

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

The applicants' complaints under Article 3 of the Convention concerning the inadequate conditions of detention were communicated to the Russian Government ("the Government"). In some of the applications, complaints based on the same facts were also communicated under other provisions of the Convention.

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

The Government acknowledged the inadequate conditions of detention. In some of the applications, they further acknowledged that the domestic authorities had violated the applicants' rights guaranteed by other provisions of the Convention (see appended table). They offered to pay the applicants the amounts 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 amounts 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 will constitute the final resolution of the cases.

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

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 applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicants wish the examination of the cases to be continued (see the principles emerging from the Court's case-law, and 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 (see, for example, *Ananyev and Others v. Russia,* nos. 42525/07 and 60800/08, 10 January 2012).

Noting the admissions contained in the Government's declarations 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 applications (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 applications (Article 37 § 1 *in fine*).

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

In view of the above, it is appropriate to strike the cases out of the list as regards the complaints concerning the inadequate conditions of detention and the other complaints under the Court's well-established case-law.

The applicants also raised other complaints under various articles of the Convention.

The Court has examined the applications listed in the appended table 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 applications must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Takes note of the terms of the respondent Government's declarations in so far as they concern the inadequate conditions of detention and the other complaints under the Court's well-established case-law (see appended table), and of the arrangements for ensuring compliance with the undertakings referred to therein;

Decides to strike this part of the applications out of its list of cases in accordance with Article 37 § 1 (c) of the Convention;

Declares the remainder of the applications inadmissible.

Done in English and notified in writing on 11 January 2018.

Liv Tigerstedt
Acting Deputy Registrar

Luis López Guerra
President

APPENDIX

No.	Application no. Date of introduction	Applicant name Date of birth	Representative name and location	Other complaints under well-established case-law	Date of receipt of Government's declaration	Date of receipt of applicant's comments, if any	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[i]
1.	60465/10 10/08/2010	**Galina Pavlovna Kazanskaya** 09/05/1952	Vinogradov Aleksandr Vladimirovich Kostroma		05/12/2012		3,765
2.	59544/15 25/11/2015	**Sergey Vyacheslavovich Kabakov** 10/08/1994	Yegazaryants Vladimir Vladimirovich Astrakhan	Art. 5 (1) (c) - unlawful pre-trial detention, Art. 5 (3) - excessive length of pre-trial detention, Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention	12/09/2016	25/11/2016	5,280
3.	33047/16 21/05/2016	**Yuriy Anatolyevich Zayviy** 29/09/1977	Konakov Andrey Pavlovich St Petersbourg	Art. 5 (4) - excessive length of judicial review of detention - long review of detention order on appeal - Decision of the Dzerzhinsky District Court of St Petersburg of 11/12/2015 was upheld by the Appellate Decision of the judicial panel for criminal cases of the St Petersburg City Court of 09/02/2016, so the review took about 2 months., Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention	18/01/2017	04/04/2017	5,000

No.	Application no. Date of introduction	Applicant name Date of birth	Representative name and location	Other complaints under well-established case-law	Date of receipt of Government's declaration	Date of receipt of applicant's comments, if any	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[i]
4.	59778/16 29/08/2016	**Zafar Shodiyevich Kurbonov** 27/03/1980		Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention	11/05/2017	17/08/2017	7,125
5.	63563/16 13/01/2017	**Sergey Anatolyevich Zinovyev** 16/01/1965		Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention	17/07/2017	24/08/2017	4,103
6.	68818/16 04/11/2016	**Aleksandr Anatolyevich Yegorov** 01/10/1971	Nevzorov Dmitriy Gennadyevich St Petersburg		26/05/2017	23/08/2017	3,700
7.	8505/17 17/01/2017	**Anatoliy Anatolyevich Litvinov** 17/10/1984			17/07/2017	27/09/2017	2,278
8.	9589/17 10/01/2017	**Dmitriy Niyaziyevich Khalilov** 30/01/1978	Volkova Rimma Nikolayevna St Petersburg	Art. 5 (3) - excessive length of pre-trial detention - , Art. 5 (4) - excessive length of judicial review of detention -, Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention	17/07/2017	20/09/2017	4,000

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