

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

THIRD SECTION

DECISION

Application no. 6205/11
Roman Anatolyevich KIRYAYEV against Russia
and 7 other applications
(see appended table)

The European Court of Human Rights (Third Section), sitting on 7 September 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, 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 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 Government submitted declarations with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the applications.

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. 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 informed the Court that they agreed to the terms of the declarations.

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 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 well-established case-law (see appended table).

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;

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 inadequate conditions of detention and the other complaints under well-established case-law (see appended table);

Declares the remainder of the applications inadmissible.

Done in English and notified in writing on 28 September 2017.

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 acceptance	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[i]
1.	6205/11 17/11/2010	**Roman Anatolyevich Kiryayev** 18/07/1962			05/12/2012	13/08/2013	4,415
2.	6938/13 18/01/2013	**Marsel Rustamovich Aliyev** 21/10/1978	Mazitov Tokhir Fedorovich St Petersburg	Art. 3 - inadequate conditions of detention during transport - poor conditions of transport in a prison van during pre-trial investigation and trial; period between April 2011 and August 2012	12/01/2017	24/03/2017	6,000
3.	43174/13 03/06/2013	**Sergey Olegovich Bochkarev** 06/11/1989		Art. 3 - inadequate conditions of detention during transport - poor conditions of transport between detention facilities (train) and poor conditions of detention in transit, Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention -	12/01/2017	28/03/2017	6,000
4.	17545/15 25/03/2015	**Stanislav Vladimirovich Soldatov** 16/05/1981			12/01/2017	10/04/2017	4,740

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 acceptance	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[i]
5.	5961/16 15/11/2015	**Roman Aleksandrovich Dichko** 17/03/1979			12/01/2017	31/03/2017	3,500
6.	40408/16 02/07/2016	**Kirill Yuryevich Pavlov** 04/06/1978		Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention -	18/01/2017	24/03/2017	6,875
7.	42272/16 08/07/2016	**Mikhail Viktorovich Kurguzov** 29/12/1986	Vinogradov Aleksandr Vladimirovich Kostroma		17/01/2017	10/03/2017	4,000
8.	42298/16 04/07/2016	**Aleksandr Yuryevich Tsyganov** 24/03/1961	Vinogradov Aleksandr Vladimirovich Kostroma		17/01/2017	21/03/2017	4,000

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