

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

FIRST SECTION

DECISION

Application no. 47913/07
by Elvira Andreyevna KISLITSINA
against Russia

The European Court of Human Rights (First Section), sitting on 11 October 2011 as a Chamber composed of:

Nina Vajić, *President,*
Anatoly Kovler,
Peer Lorenzen,
Mirjana Lazarova Trajkovska,
Julia Laffranque,
Linos-Alexandre Sicilianos,
Erik Møse, *judges,*

and Søren Nielsen, *Section Registrar,*

Having regard to the above application lodged on 30 July 2007,

Having regard to the formal declarations accepting a friendly settlement of the case,

Having deliberated, decides as follows:

PROCEDURE

The applicant, Ms Elvira Andreyevna Kislitsina, is a Russian national who was born in 1962 and lives in Sernur. She was represented before the Court by Ms O.A. Sadovskaya, a lawyer practising in Nizhniy Novgorod. The Russian Government ("the Government") were represented by Mr G. Matyushkin, the Representative of the Russian Federation at the European Court of Human Rights.

The applicant complained under Articles 2, 3 and 13 of the Convention that the State had failed to discharge its positive obligation to protect the right to life of her son, who had committed suicide, in the applicant's submission, as a result of abusive treatment and, in particular, beatings to which he had been subjected in police custody. She further claimed that there had been no effective investigation into the matter.

On 22 July and 29 August 2011 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against Russia in respect of the facts giving rise to this application against an undertaking by the Government to pay her 50,000 (fifty thousand) euros to cover any pecuniary and non-pecuniary damage as well as costs and expenses. It will be payable within three months from the date of notification of the decision taken by the Court pursuant to Article 37 § 1 of the European Convention on Human Rights. The Government also undertook to reimburse the amount of a tax that may be chargeable to the applicant on the above amount on condition that she presented relevant confirming documents from the competent tax authorities. The payment will constitute the final resolution of the case.

THE LAW

The Court 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 its Protocols and finds no reasons to justify a continued examination of the application (Article 37 § 1 *in fine* of the Convention).

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

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases.

Søren Nielsen	Nina Vajić
Registrar	President