CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FIRST SECTION

DECISION

Application no. 20586/03
by Anatoliy Aleksandrovich LUNEV
against Russia

The European Court of Human Rights (First Section), sitting on 29 March 2007 as a Chamber composed of:

Mr C.L. ROZAKIS, *President*,
Mrs N. VAJIĆ,
Mr A. KOVLER,
Mrs E. STEINER,
Mr K. HAJIYEV,
Mr D. SPIELMANN,
Mr S.E. JEBENS, *judges*
and Mr S. NIELSEN, *Section Registrar,*

Having regard to the above application lodged on 7 June 2003,

Having regard to the decision to apply Article 29 § 3 of the Convention and examine the admissibility and merits of the case together,

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

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Anatoliy Aleksandrovich Lunev, is a Russian national, who was born in 1954 and lives in Vladikavkaz, the Republic of North Ossetia-Alania. The respondent Government were represented by Mr P. Laptev, Representative of the Russian Federation at the European Court of Human Rights.

The facts of the case, as submitted by the parties, may be summarised as follows.

The applicant is a retired police officer. He had worked in the Ministry of Interior of the Republic of North Ossetia-Alania.

In 2001 he instituted proceedings against the Ministry of Interior, claiming certain indemnities and benefits for past years of his service.

On 29 October 2001 the Leninskiy District Court of Vladikavkaz fully granted the applicant's claim and ordered the defendant to pay him 542,916 Russian roubles (RUR). No appeal was lodged against the judgment and it entered into force on 9 November 2001.

On 7 December 2001 the District Court issued a writ of execution.

On an unspecified date the applicant submitted the enforcement materials to the Ministry of Finance.

On 27 October 2004 the judgment in the applicant's favour was enforced in full.

On 10 February 2005 the Leninskiy District Court of Vladikavkaz index-linked the amount awarded to the applicant by the judgment of 29 October 2001 and ordered the defendant to pay the applicant RUR 222,481. No appeal was lodged against the decision and it acquired legal force on 21 February 2005.

The decision of 10 February 2005 was enforced in full on 14 May 2005.

COMPLAINT

The applicant complained about the non-enforcement of the judgment of 29 October 2001. He did not invoke any Article of the Convention or its Protocols.

THE LAW

On 25 July 2005 the applicant forwarded to the Court a copy of an agreement of 22 July 2005 concluded between him and the Ministry of Interior of the Russian Federation.

On 17 August 2005 the respondent Government formally confirmed that they had accepted the settlement in question.

The relevant part of the agreement, as translated from Russian, provides as follows:

> "The authorities of the Russian Federation represented by Mr Rednikov Aleksandr Germanovich, the representative of the Ministry of Interior, ... and Mr Lunev Anatoliy Aleksandrovish, the applicant, ... reached an agreement on the basis of respect for human rights as defined in the European Convention for the Protection of Human Rights and Fundamental Freedoms in order to terminate the proceedings before the European Court of Human Rights on the following terms:

(a) Under the present agreement the authorities of the Russian Federation shall pay the applicant 4,000 euros (four thousand euros) in compensation for pecuniary and non-pecuniary damage caused by a violation of his rights as well as in respect of costs and expenses incurred before the European Court [of Human Rights]. The indicated amount shall be converted into Russian roubles on the rate applicable at the date of the payment, free of any taxes and will be payable within three months following the decision of the European Court [of Human Rights] in accordance with Article 37 § 1 of the Convention. The said payment will constitute the final settlement of the case.

(b) Mr Lunev Anatoliy Aleksandrovich declares that he has no more claims against the Russian Federation on the facts submitted in his application in the European Court [of Human Rights], provided that the provisions of paragraph (a) are satisfied.

Once the provisions of paragraph (a) are satisfied, the Russian Federation and the applicant undertake to inform the European Court of Human Rights thereof.

The present agreement constitutes the final settlement of the dispute. The Russian Federation and the applicant undertake not to request the referral of the case to the Grand Chamber of the European Court [of Human Rights] under Article 43 § 1 of the Convention."

The Court takes note of the agreement reached between the parties. It is satisfied that the agreement is based on respect for human rights as defined in the Convention and its Protocols and finds no public policy reasons to justify a continued examination of the application (Article 37 § 1 *in fine* of the Convention). Accordingly, Article 29 § 3 of the Convention should no longer apply to the case and it should be struck out of the list.

For these reasons, the Court unanimously

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

Søren NIELSEN
Registrar

Christos ROZAKIS
President