

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

THIRD SECTION

DECISION

Application no. 43893/16
Ruslan Mikhaylovich NIKOLAYEV against Russia
and 6 other applications
(see appended table)

The European Court of Human Rights (Third Section), sitting on 9 November 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.

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.

Done in English and notified in writing on 30 November 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.	43893/16 05/10/2016	**Ruslan Mikhaylovich Nikolayev** 07/06/1976	Shirokov Oleg Valeryevich Nizhniy Tagil	Art. 3 - inadequate conditions of detention during transport - Transportation to Sverdlovsk Regional Court and Chkalovsky District Court of Ekaterinburg between 08/08/2013 and 18/05/2016. Overcrowding, no toilet and no natural light in the prison vans and the convoy premises of IZ 66/1 and of the courts.	11/05/2017	27/07/2017	11,000
2.	61743/16 05/10/2016	**Andrey Gennadyevich Valevskiy** 24/08/1982		Art. 3 - inadequate conditions of detention during transport - 7-9, 15-17, 23 and 24 June 2016; train; between IZ-47/1 and IK-49 in the Komi Republic., Art. 13 - lack of any effective remedy in domestic law in respect of the complaints about the transport conditions, Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention	11/05/2017	24/07/2017	8,000
3.	64468/16 19/10/2016	**Viktor Viktorovich Otroshchenko** 26/01/1993			11/05/2017	01/08/2017	5,685

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]
4.	64794/16 24/10/2016	**Daniil Olegovich Pyatikov** 05/03/1981	Semenov Maksim Vladimirovich St Petersburg	Art. 3 - use of metal cages and/or other security arrangements in courtrooms - 27/06/2016; 26/09/2016 no reasons justifying the use of metal cage each time the applicant is brought to a hearing, Art. 3 - inadequate conditions of detention during transport - poor conditions of transport and detention in collection cells each time the applicant has been brought to a hearing, period after 30 December 2015, Art. 13 - lack of an effective remedy to complain about poor conditions of transport, Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention	11/05/2017	20/07/2017	7,000
5.	64930/16 19/10/2016	**Uktam Uktamovich Kurbanov** 02/11/1996		Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention	11/05/2017	01/08/2017	4,285
6.	76907/16 12/11/2016	**Denis Yuryevich Skoptsov** 06/08/1979	Semenov Maksim Vladimirovich St Petersburg	Art. 3 - inadequate conditions of detention during transport - transport by prison van and detention in collective cells during court hearings (period before October 2016), Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention	29/05/2017	20/07/2017	5,000
7.	76965/16 02/11/2016	**Innokentiy Viktorovich Kazmin** 08/05/1976	Korobeynikov Grigoriy Anatolyevich St Petersburg	Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention	29/05/2017	24/07/2017	8,375

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