

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

FIRST SECTION

DECISION

Application no. 10118/06
Yelena Stepanovna PLEKHANOVA against Russia
and 2 other applications
(see list appended)

The European Court of Human Rights (First Section), sitting on 9 April 2013 as a Committee composed of:

Khanlar Hajiyev, *President,*
Julia Laffranque,
Dmitry Dedov, *judges,*

and André Wampach, *Deputy Section Registrar,*

Having regard to the above applications lodged on 28 January 2006, 10 May 2007 and 24 September 2008 respectively,

Having regard to the decision to apply the pilot-judgment procedure taken in the case of *Burdov v. Russia (no. 2)* (no. 33509/04, ECHR 2009 (extracts)),

Having regard to the declarations submitted by the Government and the applicants' acceptance of their terms,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicants are all Russian nationals. Their details and those of their representatives appear in the appendix.

The Russian Government ("the Government") were represented by their Agent, Mr G. Matyushkin, the Representative of the Russian Federation at the European Court of Human Rights.

The applicants complained under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 of the Convention about the non-enforcement of judgments of domestic courts delivered in their favour.

By three letters dated 10 April 2012 the Government informed the Court that they proposed to make a declaration with a view to resolving the issue raised by the applications. They acknowledged the violation of the applicants' rights in connection with non-enforcement of the judgments delivered in their favour and stated their readiness to pay the following amounts to the applicants as just satisfaction: 3,000 euros (EUR) and 85,311.38 Russian roubles to Ms Plekhanova, EUR 1,000 to Mr Abramchuk and EUR 1,200 to Mr Yarovoy. The payment was to cover any pecuniary and non-pecuniary damage, together with any costs and expenses incurred, as well as any tax that may be chargeable. It would be effected within a period of three months from the date of notification of the decision taken by the Court. In the event of failure to pay within that period, the Government undertook to pay simple interest on it, from 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 would constitute the final resolution of the cases.

In their letters received on 16 May and 30 May 2012, the applicants informed the Court that they agreed to the terms of the Government's declarations.

THE LAW

Having regard to the similarity of the main issues under the Convention in the above cases, the Court decides to join the applications and examine them in a single decision.

The Court considers that the applicants' express agreement to the terms of the declarations made by the Government shall be considered as a friendly settlement between the parties (see *Cēsnieks v. Latvia* (dec.), no. 9278/06, § 34, 6 March 2012, and *Bakal and Others v. Turkey* (dec.), no. 8243/08, 5 June 2012).

The Court 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 its Protocols and finds no reasons to justify a continued examination of the applications.

As regards the question of implementation of the Government's undertakings, the Committee of Ministers remains competent to supervise this matter in accordance with Article 46 of the Convention (see the Committee's decisions of 14-15 September 2009 (CM/Del/Dec(2009)1065) and Interim Resolution CM/ResDH(2009)1 58 concerning the

implementation of the *Burdov (no. 2)* judgment). In any event the Court's present ruling is without prejudice to any decision it might take to restore, pursuant to Article 37 § 2 of the Convention, the present applications to the list of cases (see *E.G. and Others v. Poland* (dec.), no. 50425/99, § 29, ECHR 2008 (extracts)).

In view of the above, it is appropriate to strike the cases out of the list in accordance with Article 39 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.

André Wampach Deputy Registrar	Khanlar Hajiyev President

APPENDIX

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by
1.	10118/06	28/01/2006	**Yelena Stepanovna PLEKHANOVA** 15/11/1941 Neryungri	
2.	26504/07	10/05/2007	**Lyubov Maksimovna ABRAMCHUK** 25/10/1945 Kurgan	Natalya Pavlovna YERMILOVA
3.	60353/08	24/09/2008	**Ruslan Ivanovich YAROVOY** 27/10/1974 Groznyy	Oksana Valeryevna SADCHIKOVA