

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

FOURTH SECTION

DECISION

Application no. 50458/20
Rosen Kirilov RANGELOV
against Bulgaria
(see appended table)

The European Court of Human Rights (Fourth Section), sitting on 8 September 2022 as a Committee composed of:

Armen Harutyunyan, *President*,
Jolien Schukking,
Ana Maria Guerra Martins, *judges*,
and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having regard to:

the above application lodged on 10 November 2020; and

the declaration submitted by the respondent Government requesting the Court to strike the application out of its list of cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant was represented by Ms T. Petkova, a lawyer practising in Sofia.

The Bulgarian Government ("the Government") were given notice of the applicant's complaint under Article 3 of the Convention concerning the allegedly inhuman and degrading conditions of his detention.

THE LAW

After unsuccessful friendly-settlement negotiations, the Government submitted a unilateral declaration in which they acknowledged the violation of Article 3 of the Convention and offered to pay the applicant the sums set out in the appended table. On that basis, they invited the Court to strike the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

These sums 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 to strike the application out of its list of cases. In the event of failure to pay these sums within this 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 would constitute the final resolution of the case.

A copy of that declaration was sent to the applicant on 12 May 2022, and he was invited to submit his comments on it by 9 June 2022. The Court has not received a response from him.

Under Article 37 § 1 (c) of the Convention, the Court may strike a case out of its list if:

> "... for any other reason established by the Court, it is no longer justified to continue the examination of the application".

The Court may thus strike out an application under this provision on the basis of a unilateral declaration by the respondent Government even if the applicant wishes the examination of the case to be continued (see *Tahsin Acar v. Turkey* (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI).

The Court already has clear and extensive case-law under Article 3 of the Convention in relation to allegedly inhuman and degrading conditions of detention (see, for instance, *Neshkov and Others v. Bulgaria,* nos. 36925/10 and 5 others, 27 January 2015).

In view of the admissions in the Government's declaration, as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – it is no longer justified to continue the examination of the application (Article 37 § 1 (c) of the Convention).

In the light of the above, the Court is also satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the application (Article 37 § 1 *in fine*).

Lastly, the Court emphasises that if the Government fail to comply with the terms of their unilateral declaration, the case may be restored to the Court's list in accordance with Article 37 § 2 of the Convention (see *Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

It is therefore appropriate to strike the case out of the Court's list.

For these reasons, the Court, unanimously,

Takes note of the terms of the Government's declaration and of the arrangements for ensuring compliance with the undertakings to which it refers;

Decides to strike the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

Done in English and notified in writing on 29 September 2022.

Viktoriya Maradudina Acting Deputy Registrar	Armen Harutyunyan President

APPENDIX

Application raising complaints under Article 3 of the Convention (inadequate conditions of detention)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of receipt of Government's declaration	Amount for non-pecuniary damage per applicant (in euros)[1]	Amount for costs and expenses per application (in euros)[2]
50458/20 10/11/2020	**Rosen Kirilov RANGELOV** 1970	Tsvetelina Petkova Sofia	09/05/2022	3,000	250

1. Plus any tax that may be chargeable to the applicant
2. Plus any tax that may be chargeable to the applicant