

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

THIRD SECTION

DECISION

Application no. 1397/15
Dmitriy Aleksandrovich SHATILOV against Russia
and 9 other applications
(see appended table)

The European Court of Human Rights (Third Section), sitting on 7 December 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 (see appended table). 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 as regards the complaints concerning the inadequate conditions of detention and the other complaints under the Court's well-established case-law.

The applicants also raised other complaints under various articles of the Convention.

The Court has examined the applications listed in the appended table and considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints either do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

It follows that this part of the applications must be rejected in accordance with Article 35 § 4 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 as regards the complaints concerning the inadequate conditions of detention and the other complaints under the Court's well-established case-law (see appended table);

Declares the remainder of the applications inadmissible.

Done in English and notified in writing on 11 January 2018.

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.	1397/15 15/12/2014	**Dmitriy Aleksandrovich Shatilov** 20/03/1975	Belinskaya Marina Aleksandrovna St Petersburg	Art. 3 - inadequate conditions of detention during transport, Art. 13 - lack of any effective remedy in domestic law, Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention	12/09/2016	08/12/2016	4,700
2.	69209/16 10/11/2016	**Vladislav Marsovich Khabirov** 16/07/1988	Fedoseyev Viktor Viktorovich Moscow	Art. 3 - use of metal cages and/or other security arrangements in courtrooms - The applicant indicates only one date – 12/05/2016, Art. 3 - inadequate conditions of detention during transport - overcrowding of the cell and van; lack of the privacy of toilet; lack of adequate temperature	30/06/2017	08/09/2017	7,125

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3.	78046/16 12/11/2016	**Pavel Sergeyevich Trofimov** 29/08/1982	Semenov Maksim Vladimirovich St Petersburg	Art. 3 - use of metal cages and/or other security arrangements in courtrooms - Placement in a metal cage in the courtroom on 17 August and 13 October 2016, Art. 3 - inadequate conditions of detention during transport - Dates of transportation are not specified. It appears that the applicant has been transported in inadequate conditions several times since 15/08/2016, Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention	30/06/2017	19/09/2017	6,805
4.	3552/17 19/12/2016	**Aleksey Sergeyevich Lyulyushin** 09/03/1984		Art. 3 - inadequate conditions of detention during transport - 27/06/2016 - van, transit cell - overcrowding, lack of sufficient natural light, lack of fresh air, passive smoking, lack of food, no access to potable water, Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention	17/07/2017	29/09/2017	9,000

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5.	5013/17 05/12/2016	**Yevgeniy Svyatoslavovich Akatov** 26/02/1985		Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention	17/07/2017	09/10/2017	6,500
6.	8975/17 18/01/2017	**Sergey Vasilyevich Badin** 17/03/1982			17/07/2017	04/09/2017	2,460
7.	9284/17 03/01/2017	**Nikolay Vladimirovich Vinogradov** 04/05/1985		Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention	17/07/2017	19/09/2017	6,875
8.	9854/17 19/01/2017	**Roman Igorevich Babchuk** 07/11/1984			17/07/2017	19/09/2017	6,875
9.	11000/17 28/12/2016	**Stanislav Alekseyevich Brekhov** 03/05/1982			17/07/2017	19/09/2017	9,750
10.	12698/17 30/01/2017	**Yevgeniy Vladimirovich Yulkin** 29/06/1988	Konyakov Andrey Pavlovich St Petersburg		17/07/2017	15/09/2017	15,000

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