

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

FIRST SECTION

DECISION

Application no. 6231/08
Ruslan Aleksandrovich STADUKHIN against Russia
and 2 other applications
(see list appended)

The European Court of Human Rights (First Section), sitting on 25 August 2015 as a Committee composed of:

Mirjana Lazarova Trajkovska, *President,*
Paulo Pinto de Albuquerque,
Linos-Alexandre Sicilianos, *judges,*

and André Wampach, *Deputy Section Registrar,*

Having regard to the above applications lodged on the dates listed in the appendix,

Having regard to the declarations submitted by the respondent Government requesting the Court to strike the applications out of the list of cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. A list of the applicants and their representatives is set out in the appendix.

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

3. The applicants complained, among other matters, about poor conditions of their detention in Russian penitentiary facilities.

4. The applications have been communicated to the Government.

THE LAW

A. Joinder of the applications

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

B. The complaints concerning the conditions of detention

6. The applicants complained under Article 3 of the Convention about allegedly inhuman and degrading conditions of their detention in Russian penitentiary facilities.

7. By letters submitted on different dates, the Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issues raised by the applications. They further requested the Court to strike the applications out of the list of cases in accordance with Article 37 of the Convention.

8. By the above declarations, the Russian authorities acknowledged that the violations of the above-mentioned provisions of the Convention and stated their readiness to pay the following amounts to the applicants as just satisfaction: 10,000 euros (EUR) to Mr Stadukhin, EUR 10,725 to Mr Petkevich, and EUR 5,875 to Mr Syrgiy.

9. The remainder of the declaration in each case read as follows:

> "The authorities therefore invite the Court to strike the present case out of the list of cases. They suggest that the present declaration might be accepted by the Court as 'any other reason' justifying the striking of the case out of the Court's list of cases, as referred to in Article 37 § 1 (c) of the Convention.
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> The sum referred to above, which is to cover any pecuniary and non-pecuniary damage, as well as costs and expenses, will be free of any taxes that may be applicable. It will be payable within three months from the date of notification of the decision taken by the Court pursuant to Article 37 § 1 of the Convention. In the event of failure to pay this sum within the said three-month period, the Government undertake 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.
>
> This payment will constitute the final resolution of the case."

10. The applicants did not accept the Government's offer.

11. The Court reiterates that Article 37 of the Convention provides that it may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to one of the conclusions specified under (a), (b) or (c) of paragraph 1 of that Article. In particular, Article 37 § 1 (c) enables the Court to 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".

12. It also recalls that in certain circumstances, it may strike out an application under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicant wishes the examination of the case to be continued.

13. To this end, the Court will examine carefully the declarations in the light of the principles established in its case-law, in particular the *Tahsin Acar* judgment (see *Tahsin Acar v. Turkey* [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI; *WAZA Spółka z o.o. v. Poland* (dec.), no. 11602/02, 26 June 2007, and *Sulwińska v. Poland* (dec.), no. 28953/03).

14. The Court notes at the outset that since its first judgment concerning the inhuman and degrading conditions of detention in Russian penitentiary facilities, an excessive length of the pre-trial detention and of the criminal proceedings against the applicant (see *Kalashnikov v. Russia*, no. 47095/99, ECHR 2002-VI), it found similar violations in more than a hundred cases against Russia. It follows that the complaints raised in the present applications are based on the clear and extensive case-law of the Court.

15. Turning next to the nature of the admissions contained in the Government's declarations, the Court is satisfied that the Government did not dispute the allegations made by the applicants and explicitly acknowledged the violations of the above-mentioned provisions of the Convention.

16. As to the intended redress to be provided to the applicants, the Government have undertaken to pay them compensation in respect of pecuniary and non-pecuniary damages, as well as costs and expenses. Even if the method of calculation employed by the Russian authorities in respect of the conditions-of-detention complaints did not correspond exactly to the guidelines established by the Court in the pilot judgment (see *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, § 172, 10 January 2012), what is important is that the proposed sums are not unreasonable in comparison with the awards made by the Court in similar cases (see *Cocchiarella v. Italy* [GC], no. 64886/01, § 105, ECHR 2006-V). The Government have committed themselves to effecting the payment of those sums within three months of the Court's decision, with default interest to be payable in case of delay of settlement.

17. The Court therefore considers that it is no longer justified to continue the examination of these cases in the part concerning the above-mentioned complaints. As the Committee of Ministers remains competent to supervise, in accordance with Article 46 § 2 of the Convention, the implementation of the judgments concerning the same issues, the Court is also satisfied that respect for human rights as defined in the Convention (Article 37 § 1 *in fine*) does not require it to continue the examination of this part of the case. In any event, the Court's decision is without prejudice to

any decision it might take to restore, pursuant to Article 37 § 2 of the Convention, the applications to its list of cases, should the Government fail to comply with the terms of their unilateral declaration (see *Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008, and *Aleksentseva and 28 Others v. Russia* (dec.), nos. 75025/01 et al., 23 March 2006).

18. In view of the above, it is appropriate to strike the cases out of the list in the part concerning the above-mentioned complaints.

C. The other complaints

19. Mr Petkevich also raised additional complaints with reference to Article 6 of the Convention.

20. Having regard to all the material in its possession, and in so far as it has jurisdiction to examine the allegations, the Court has not found any appearance of a breach of the rights and freedoms guaranteed by the Convention or its Protocols in that part of his application.

21. It follows that the remainder of Mr Petkevich's application must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court unanimously

Decides to join the applications*;*

Takes note of the terms of the respondent Government's declarations under Articles 3 of the Convention and of the modalities for ensuring compliance with the undertakings referred to therein;

Decides to strike a part of the applications out of its list of cases in accordance with Article 37 § 1 (c) of the Convention;

Declares the remainder inadmissible.

Done in English and notified in writing on 17 September 2015.

André Wampach
Deputy Registrar

Mirjana Lazarova Trajkovska
President

APPENDIX

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by
1.	6231/08	27/12/2007	**Ruslan Aleksandrovich STADUKHIN** 23/10/1970 Plyakho	
2.	17707/08	09/04/2008	**Mikhail Aleksandrovich PETKEVICH** 03/12/1982 Minsk	Ulrich SOMMER
3.	57913/08	06/10/2008	**Sergey Anatolyevich SYRGIY** 28/11/1981 Ustyuzhna	