

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

THIRD SECTION

DECISION

Application no. 66304/09
Vladimir Mikhaylovich STEPANENKO 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,

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 during transport 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 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 Government informed the Court that they proposed to make unilateral declarations with a view to resolving the issues raised by the applicants. They acknowledged the inadequate conditions of detention during transport. 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 below in relation to other complaints under well-established case-law). 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 were sent the terms of the Government's unilateral declarations several weeks before the date of this decision. The Court has not received a response from the applicants accepting the terms of the declarations.

The Court observes that Article 37 § 1 (c) enables it 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".

Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicants wish the examination of the cases to be continued (see the principles emerging from the Court's case-law, and in particular the *Tahsin Acar v. Turkey* judgment (preliminary objections) ([GC], no. 26307/95, §§ 75-77, ECHR 2003-VI)).

The Court has established clear and extensive case-law concerning complaints relating to the inadequate conditions of detention during transport (see, for example, *Idalov v. Russia [GC],* no. 5826/03, §§ 103-108, 22 May 2012).

Noting the admissions contained in the Government's declarations as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the applications (Article 37 § 1 (c)).

In the light of the above considerations, the Court is 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 applications (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declarations, the applications may be restored to the list in accordance with Article 37 § 2 of the Convention (*Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

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 during transport, as well as other complaints raised by the applicants under well-established case-law (see appended table below).

The applicant (application no. 66304/09) also raised other complaints under various articles of the Convention.

The Court has examined that application 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 application no. 66304/09 must be rejected in accordance with Article 35 § 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 in so far as they concern the inadequate conditions of detention during transport, as well as other complaints raised by the applicants under well-established case-law (see appended table below), and of the arrangements for ensuring compliance with the undertakings referred to therein;

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

Declares the remainder of application no. 66304/09 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 comments, if any	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[i]
1.	66304/09 21/04/2010	**Vladimir Mikhaylovich Stepanenko** 13/09/1967			11/09/2013	21/10/2013	2,500
2.	35656/10 07/05/2010	**Vladimir Grigoryevich Bondarenko** 31/01/1970			01/07/2016		1,000
3.	70483/10 25/11/2010	**Marat Minizyayetovich Khayrutdinov** 27/02/1971	Khayrutdinova Vera Nikolayevna Moscou		22/09/2016		4,610
4.	32456/11 25/03/2011	**Aleksandr Arkadyevich Rimmer** 14/08/1964		Art. 5 (3) - excessive length of pre-trial detention - 28/05/2008 detained by German authorities. 16/10/2008 – extradited to Russia. 27/10/2008 – placed in remand prison of Vologda. 12/03/2012 – convicted by the trial court.	01/07/2016		4,550

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5.	52837/12 21/07/2012	**Vasiliy Vasilyevich Lobanov** 18/04/1970		Art. 13 - lack of any effective remedy in domestic law	01/07/2016		1,500
6.	7169/14 18/12/2013	**Daler Gulakhmadovich Gulmamadov** 30/11/1975		Art. 5 (3) - excessive length of pre-trial detention – for several months before first conviction and then pending the re-trial	01/07/2016	17/10/2016	2,900
7.	18096/14 09/02/2014	**Dmitriy Nikolayevich Kosenko** 24/01/1979	Mezak Ernest Aleksandrovich Syktyvkar	Art. 13 - lack of any effective remedy in domestic law	01/07/2016	28/09/2016	1,000
8.	19035/14 24/05/2013	**Taisiya Vitalyevna Osipova** 26/08/1984	Mezak Ernest Aleksandrovich Syktyvkar	Art. 13 - lack of any effective remedy in domestic law	01/07/2016	28/09/2016	1,000
9.	42873/15 15/07/2015	**Anton Vladimirovich Alekseyev** 06/06/1978			01/07/2016	03/10/2016	1,000
10.	44161/15 22/07/2015	**Dmitriy Aleksandrovich Gromovoy** 11/10/1983	Dunayeva Alla Igorevna Chelyabinsk	Art. 13 - lack of any effective remedy in domestic law	01/07/2016	29/09/2016	2,000

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