

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

THIRD SECTION

DECISION

Application no. 7061/06
Eduard Vladimirovich TSELINSKIY against Russia
and 25 other applications
(see list appended)

The European Court of Human Rights (Third Section), sitting on 5 January 2017 as a Committee composed of:

Branko Lubarda, *President,*
Pere Pastor Vilanova,
Georgios A. Serghides, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

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

Having regard to the decision to apply the pilot-judgment procedure taken in the case of *Gerasimov and Others v. Russia* (nos. 29920/05 and 10 others, § 218, 1 July 2014),

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 Russian nationals whose names and dates of birth are set out in the appendix.

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

The applicants complained, among other matters, about the delayed enforcement of the judgments in their favour imposing various obligations in kind on domestic authorities and the lack of the effective remedies in respect of the non-enforcement complaint. Dates of the judgments, their entry into force and their full enforcement are set out in the appendix.

In the wake of the pilot judgment, on various dates in late 2014 the applications were communicated to the Government (see *Gerasimov and Others,* cited above, §§ 230-31, and point 13 of the operative part).

On the dates specified in the appendix the Government submitted unilateral declarations with a view to resolving the issues raised by the applications.

In their declarations they acknowledged, in each case, the lengthy enforcement of the judgment in the applicant's favour. The unilateral declarations further contained, in each case, the dates of the judgment at issue, its entry into force and its full enforcement, as well as an overall enforcement delay.

The authorities stated their readiness to pay to the applicants the sums listed in the appendix as just satisfaction. The payments were to cover any pecuniary and non-pecuniary damage as well as costs and expenses, and would be free of any taxes that may be applicable. They would be payable within three months from the date of notification of the decision taken by the Court. In the event of failure to pay the sums within the said period, the Government undertook to pay simple interest on them, 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 payments would constitute the final resolution of the cases.

In their letters received on the dates indicated in the appendix, 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 attaches particular weight to the applicants' express agreement to the terms of the declarations made by the Government. It finds that such agreement 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 formal note of the friendly settlement reached between the parties. The Court further considers that the settlement is based on respect for human rights as defined in the Convention and its Protocols (Article 37 § 1 in fine of the Convention and Rule 62 § 3 of the Rules of Court).

In any event the Committee of Ministers remains competent to supervise the execution of the terms of the friendly settlement as set out in the present

decision (Article 39 § 4 of the Convention and Rule 43 § 3 of the Rules of Court). Further, 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 its list of cases.

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

The Court considers that the amounts proposed by the Government should be converted into the currency of the respondent State at the rate applicable on the date of payment.

For these reasons, the Court, unanimously,

Decides to join the applications;

Decides, having regard to the terms of the Government's declarations, and the arrangements for ensuring compliance with the undertakings referred to therein, and the applicants' acceptance of the terms of the declarations, to strike the applications out of its list of cases in accordance with Article 39 of the Convention.

Done in English and notified in writing on 26 January 2017.

Fatoş Aracı
Deputy Registrar

Branko Lubarda
President

APPENDIX

No.	Application no. Lodged on	Applicant Date of birth Place of residence	Representative	Date of judgment Final on	Enforcement date Enforcement delay as specified in the unilateral declaration	Date of unilateral declaration Remedial offer (euros)	Date of applicant's letter in reply
1.	7061/06 27/01/2006	**Eduard Vladimirovich TSELINSKIY** 29/01/1966 Klin		09/07/2007 27/07/2007	29/06/2011 3 years 11 months	25/07/2016 3,850	22/09/2016
2.	11765/06 09/02/2006	**Raisa Mikhaylovna VASETSKAYA** 17/08/1948 Milovidovo		13/03/2002 25/03/2002	27/04/2007 5 years 1 month	01/06/2016 3,210	27/09/2016
3.	25026/06 26/05/2006	**Andrey Mikhaylovich SHASHKOV** 07/11/1967 Yekaterinburg		13/12/2005 30/12/2005	11/08/2008 2 years 7 months 12 days	01/06/2016 2,560	18/08/2016
4.	44076/07 11/09/2007	**Aleksandr Borisovich TELKOV** 26/09/1957 St Petersburg **Galina Nikolayevna TELKOVA** 30/03/1962 St Petersburg		05/03/1999 05/04/1999	29/10/2008 9 years 6 months 24 days	26/09/2016 6,500	07/11/2016
5.	15446/09 16/05/2008	**Nina Aleksandrovna YEZHOVA** 10/11/1949 Chelyabinsk		06/05/2004 24/05/2004	20/11/2007 3 years 5 months 27 days	07/07/2016 3,420	09/08/2016

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6.	22514/09 18/02/2009	**Zelimkhan Abadiyevich GUTIYEV** 01/01/1942 Alkhanchurt	Aleksandr Yuryevich DZILIKHOV	01/03/2005 19/04/2005	03/06/2013 8 years 1 month 15 days	07/07/2016 6,500	19/09/2016
7.	37610/09 03/06/2009	**Igor Aleksandrovich PATERIKIN** 30/09/1961 Svetlyy		31/03/2008 02/07/2008	23/12/2010 2 years 5 months 21 days	07/07/2016 2,420	14/10/2016
8.	40999/09 13/05/2009	**Lyudmila Sergeyevna TYULKINA** 02/06/1949 Armavir		07/07/2005 19/07/2005	24/06/2013 7 years 11 months 5 days	07/07/2016 6,500	09/08/2016
9.	2656/10 22/12/2009	**Aleksandr Mikhaylovich KADUSHKIN** 04/04/1947 Sochi **Tatyana Ivanovna KADUSHKINA** 31/10/1953 Sochi		10/10/2006 23/11/2006	22/10/2009 2 years 11 months	07/07/2016 2,850 (jointly)	16/08/2016
10.	4526/10 29/12/2009	**Galina Ilyinichna TEPLYAKOVA** 01/01/1952 Shenkursk		24/11/2008 05/12/2008	02/12/2011 2 years 11 months 27 days	07/07/2016 2,930	11/08/2016
11.	6269/10 30/11/2009	**Sergey Vladimirovich VOROTNIKOV** 07/01/1966 Pushkino		21/05/2009 02/06/2009	11/07/2013 4 years 1 month 9 days	07/07/2016 4,030	09/08/2016

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12.	19910/10 09/03/2010	**Yelena Alekseyevna SERDYUKOVA** 05/06/1961 Belgorod		15/05/2009 02/07/2009	20/05/2015 5 years 10 months 18 days	13/07/2016 5,760	19/09/2016
13.	28858/10 04/05/2010	**Mikhail Aleksandrovich BULATOV** 04/08/1976 Moscow		13/08/2009 25/08/2009	27/12/2012 3 years 4 months 2 days	13/07/2016 3,270	03/10/2016
14.	28859/10 04/05/2010	**Nikolay Vladimirovich YAKOVLEV** 15/01/1976 Moscow		13/08/2009 25/08/2009	05/09/2013 4 years 10 days	18/04/2016 3,950	13/06/2016
15.	32272/10 30/04/2010	**Aleksandr Semenovich SHEVELEV** 14/01/1973 Syktyvkar	Ernest Aleksandrovich MEZAK	21/05/2008 28/06/2008	06/05/2014 5 years 10 months 8 days	13/07/2016 5,000	29/09/2016
16.	42962/10 07/07/2010	**Pavel Yakovlevich KOMARNITSKIY** 08/05/1966 Rostov-na-Donu		27/08/2008 09/09/2008	26/06/2012 3 years 9 months 17 days	18/04/2016 3,720	08/06/2016
17.	44376/10 08/06/2010	**Nikolay Refatovich ABDULIN** 06/04/1961 Rostov-na-Donu		17/07/2008 04/08/2008	07/03/2013 4 years 7 months 3 days	18/04/2016 4,500	02/06/2016
18.	45597/10 18/06/2010	**Yuriy Vladimirovich YAKOVLEV** 12/05/1963 Krasnyy Krym		04/07/2008 15/07/2008	21/08/2012 4 years 1 month 6 days	18/04/2016 4,020	02/06/2016

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19.	48887/10 30/07/2010	**Murat Khasanbiyevich KAKIYEV** 23/01/1979 Argudan		10/04/2009 06/05/2009	19/06/2012 3 years 1 month 13 days	13/07/2016 3,060	08/09/2016
20.	61885/10 30/09/2010	**Valeriy Sergeyevich MAKAROV** 01/07/1953 Moscow		07/02/2008 23/02/2008 17/05/2010 02/09/2010	31/05/2013 12/01/2016 7 years 10 months 17 days	13/07/2016 6,500	10/10/2016
21.	71229/10 29/11/2010	**Andrey Olegovich OSTROVERKHIY** 13/01/1980 Moscow		16/10/2009 03/11/2009	30/01/2013 3 years 2 months 27 days	18/04/2016 3,180	17/05/2016
22.	71329/10 12/11/2010	**Sergey Nikolayevich AKSENOV** 03/09/1962 Balashikha		14/08/2008 01/09/2008	02/11/2011 3 years 2 months 1 day	13/07/2016 3,100	03/10/2016
23.	36858/11 31/05/2011	**Oleg Vladimirovich STROGIN** 16/07/1984 Cheboksary		06/10/2010 19/10/2010	23/04/2012 1 year 6 months 4 days	01/07/2016 1,480	09/08/2016

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24.	45657/11 04/06/2011	**Andrey Leonidovich KOMAROV** 15/04/1972 Arkhangelsk **Aleksandr Leonidovich KOMAROV** 26/05/1977 Arkhangelsk **Lyudmila Dmitriyevna KOMAROVA** 12/10/1941 Arkhangelsk	Igor Yuryevich TELYATYEV	14/11/2006 24/11/2006	27/12/2010 4 years 1 month 5 days	01/07/2016 4,010 (jointly)	08/08/2016
25.	57402/11 16/08/2011	**Vladimir Mikhaylovich NEMCHENKO** 19/04/1966 Moscow		24/10/2007 09/11/2007	14/06/2013 5 years 7 months 10 days	01/07/2016 5,490	18/08/2016
26.	70759/11 24/10/2011	**Valentina Stepanovna DENISKO** 19/03/1930 Yakutsk		21/10/1999 31/10/1999	30/10/2012 13 years 4 days	01/07/2016 6,500	18/08/2016