

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

THIRD SECTION

DECISION

Application no. 17742/08
Lyudmila Petrovna YAKOVLEVA against Russia
and 8 other applications
(see appended table)

The European Court of Human Rights (Third Section), sitting on 11 May 2017 as a Committee composed of:

Luis López Guerra, *President,*
Dmitry Dedov,
Jolien Schukking, *judges,*
and Karen Reid, *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. 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 other complaints under the well-established case-law as listed in the appended table.

Some applicants (cases nos. 7992/15 and 9758/16) also raised other complaints under various articles of the Convention.

The Court has examined the applications 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 nos. 7992/15 and 9758/16 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 other complaints under the well-established case-law as listed in the appended table;

Declares the remainder of the applications nos. 7992/15 and 9758/16 inadmissible.

Done in English and notified in writing on 8 June 2017.

Karen Reid 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.	17742/08 12/02/2008	**Lyudmila Petrovna Yakovleva** 29/04/1960		Art. 3 - inadequate conditions of detention during transport - Van Nizhniy Novgorod Region 0.15 sq. m. 01/01/2005-18/09/2008 1 hour 40 minutes – 4 hours trip, poor heating, no ventilation Transit cell in IZ-52/1 Nizhniy Novgorod 0.5 sq. m. 01/01/2004-18/09/2008 8 hours, constant cigarette smoke; Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention	13/07/2016	02/09/2016	9,250
2.	64862/13 27/07/2013	**Aleksey Borisovich Yablokov** 21/03/1975	Lebedev Gennadiy Vyacheslavovich St Petersburg		15/09/2016	09/11/2016	8,250
3.	7992/15 02/11/2015	**Mikhail Yuryevich Glukharev** 28/12/1972		Art. 3 - use of metal cages and/or other security arrangements in courtrooms - The applicant was placed in cage in the courthouse between 29/10/2014 and 25/06/2015, Art. 13 - lack of any effective remedy in domestic law - Concerning placement in cage in the courthouse, Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention	13/07/2016	12/09/2016	5,500

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4.	52441/15 12/10/2015	**Ivan Vladimirovich Mishchenkov** 19/07/1987	Magomedova Roza Saidovna Moscow	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	15/09/2016	09/11/2016	9,000
5.	53052/15 12/10/2015	**Vadim Viktorovich Kotov** 23/10/1977	Golub Olga Viktorovna Suzemka	Art. 3 - inadequate conditions of detention during transport	15/09/2016	09/11/2016	9,000
6.	8994/16 03/02/2016	**Ilya Igorevich Boltenko** 29/11/1989	Semenov Maksim Vladimirovich St Petersburg	Art. 5 (4) - excessive length of judicial review of detention - decisions of 8 October and 13 November 2015 were only examined on 18 November and 30 December 2015 accordingly, Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention	26/10/2016	31/01/2017	4,500
7.	9758/16 08/02/2016	**Dmitriy Sergeyevich Astashkov** 18/09/1983		Art. 3 - inadequate conditions of detention during transport	26/10/2016	10/01/2017	4,500
8.	12094/16 19/04/2016	**Nikita Yaroslavovich Blazhin** 15/10/1991			26/10/2016	15/02/2017	8,250
9.	26644/16 25/04/2016	**Andrey Vyacheslavovich Chikalev** 05/02/1984		Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention	26/10/2016	31/01/2017	4,545

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