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

FIRST SECTION

DECISION

Application no. 10760/06
Yevgeniy Valentinovich ZAKIROV against Russia
and 11 other applications
(see list appended)

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

Khanlar Hajiyev, *President,*
Erik Møse,
Dmitry Dedov, *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: 11,770 euros (EUR) to Mr Zakirov, EUR 8,875 to Mr Mikhaylin, EUR 9,375 to Mr Chumakov, EUR 2,000 to Mr Grekov, EUR 6,625 to Mr Moiseyev, EUR 12,000 to Mr Belozerov, EUR 9,875 to Mr Volchkov, EUR 9,250 to Mr Masalimov, EUR 4,740 to Mr Novoselov, EUR 9,440 to Mr Yegorov, EUR 8,125 to Mr Bydanov, and EUR 8,375 to Mr Nikolayev.

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.
>
> 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 (see *Kalashnikov v. Russia*, no. 47095/99, ECHR 2002-VI), it found similar violations in many cases against Russia which concerned the conditions of detention in police wards (see *Khristoforov v. Russia*, no. 11336/06, 29 April 2010), remand prisons (see *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, 10 January 2012) and correctional colonies (see *Sergey Babushkin v. Russia*, no. 5993/08, 28 November 2013). 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 proposed sums do not correspond to the awards the Court would have made in those cases, they are not unreasonable in absolute terms or in relation to the duration of the applicants' detention. 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. Some applicants also raised additional complaints with reference to various Articles of the Convention and its Protocols.

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 applications in this part 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 of the applications inadmissible.

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

André Wampach
Deputy Registrar

Khanlar Hajiyev
President

APPENDIX

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by
1.	10760/06	13/01/2006	**Yevgeniy Valentinovich ZAKIROV** 15/06/1975 Krasnoturyinsk	
2.	40825/06	15/11/2006	**Vladimir Petrovich MIKHAYLIN** 21/02/1960 Kislovodsk	
3.	16618/07	05/03/2007	**Yevgeniy Gennadyevich CHUMAKOV** 06/01/1986 Smolensk	
4.	30288/09	29/04/2009	**Andrey Vladimirovich GREKOV** 16/11/1977 Minusinsk	
5.	63462/09	21/12/2009	**Denis Sergeyevich MOISEYEV** 19/04/1981 Dimitrovgrad	
6.	64267/09	26/10/2009	**Aleksandr Ananyevich BELOZEROV** 23/06/1967 Kurgan	

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by
7.	30936/10	28/07/2010	**Mikhail Mikhaylovich VOLCHKOV** 11/07/1970 Ivanovskoye	
8.	23790/12	04/04/2012	**Zulfat Shamilevich MASALIMOV** 08/01/1957 Astrakhan	
9.	34140/12	02/05/2012	**Andrey Anatolyevich NOVOSELOV** 07/06/1970 Astrakhan	
10.	37206/12	01/04/2012	**Bronislav Nikolayevich YEGOROV** 18/08/1952 Astrakhan	Margarita Vladimirovna GORDEYEVA
11.	46191/12	15/08/2012	**Vyacheslav Viktorovich BYDANOV** 22/01/1972 Ozersk	
12.	71680/12	19/06/2012	**Yevgeniy Anatolyevich NIKOLAYEV** 11/04/1962 Kommunar	