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

THIRD SECTION

DECISION

Application no. 52973/08
Mikhail Alekseyevich ZHUZHGOV
against Russia

The European Court of Human Rights (Third Section), sitting on 8 March 2016 as a Committee composed of:

Helena Jäderblom, *President,*
Dmitry Dedov,
Branko Lubarda, *judges,*

and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 20 August 2008,

Having regard to the declaration submitted by the respondent Government on 30 October 2015 requesting the Court to strike the application out of the list of cases and the applicant's reply to that declaration,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Mikhail Alekseyevich Zhuzhgov, is a Russian national, who was born in 1982.

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

The applicant complained under Article 3 of the Convention about the conditions of detention in a remand prison.

The application was communicated to the Government.

By a letter dated 30 October 2015 the Government informed the Court that they proposed to make a declaration with a view to resolving the issues raised by the application.

They acknowledged a violation of the applicant's rights guaranteed by Article 3 of the Convention. They undertook to pay the applicant 3,960 euros to cover any pecuniary and non-pecuniary damage as well as costs and expenses, as well as any tax that may be chargeable. The payment would be effected within a period of three months from the date of notification of the decision taken by the Court. In the event of failure to pay within that period, the Government undertook 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. The payment would constitute the final resolution of the case. They further requested the Court to strike out the application.

On 18 December 2015, the Court received a letter from the applicant informing the Court that he had agreed to the terms of the Government's declaration.

THE LAW

The Court finds that following the applicant's express agreement to the terms of the declaration made by the Government the case 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 its Protocols and finds no reasons to justify a continued examination of the application.

In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court, unanimously,

Decides to strike the application out of its list of cases pursuant to Article 39 of the Convention.

Done in English and notified in writing on 31 March 2016.

Marialena Tsirli
Deputy Registrar

Helena Jäderblom
President