



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

FIRST SECTION

DECISION

Application no. 26694/09
Sergey Viktorovich MAKSUTOV against Russia
and three other applications
(see list appended)

The European Court of Human Rights (First Section), sitting on 19 February 2013 as a Committee composed of:

Khanlar Hajiyev, *President*,

Julia Laffranque,

Dmitry Dedov, *judges*,

and André Wampach, *Deputy Section Registrar*,

Having regard to the above applications lodged on the dates listed in the annex,

Having regard to the declarations submitted by the Government and the applicants' acceptance of their terms,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

A list of the applicants and their representatives is set out in the appendix.

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 applicants complained under Article 3 of the Convention about the conditions of their detention in Russian penitentiary facilities.

By their letters dated 24 October 2012, the Government informed the Court that they proposed to make a declaration with a view to resolving the issue raised by the applications. They acknowledged that the applicants had been "detained in the conditions which did not comply with the

requirements of Article 3 of the Convention” and stated their readiness to pay the following amounts to the applicants as just satisfaction: EUR 4,285 to Mr Maksutov, EUR 3,765 to Mr Baboshin, EUR 5,000 to Mr Lemeshev, EUR 4,740 to Mr Sablin. The payment was to cover any pecuniary and non-pecuniary damage, together with any costs and expenses incurred, as well as any tax that may be chargeable. It 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 cases.

In their letters of 27 November and 26 and 27 December 2012 and 2 January 2013, the applicants informed the Court that they agreed to the terms of the Government’s declarations. The applicant Mr Maksutov stated that he believed that the Court would reach a fair decision as to the consequences of the Government’s declaration.

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 considers that the applicants’ explicit – or, in the case of Mr Maksutov, tacit – agreement to the terms of the declarations made by the Government 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 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 applications.

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

André Wampach
Deputy Registrar

Khanlar Hajiyev
President

APPENDIX

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by
1.	26694/09	26/03/2009	Sergey Viktorovich MAKSUTOV 05/08/1961 Sukhobezvodnoye	
2.	11364/11	21/12/2010	Konstantin Aleksandrovich BABOSHIN 03/11/1973 Vorkuta	Ernest Aleksandrovich MEZAK
3.	33884/11	10/05/2011	Nikolay Vladimirovich LEMESHEV 29/08/1978 Bor	Yelena Sergeyevna GAZIZOVA
4.	36163/11	18/04/2011	Viktor Valeryevich SABLIN 11/03/1976 Shara-Gorokhon	