



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

FIRST SECTION

DECISION

Application no. 11581/06
Antonina Yefimovna LEBEDEVA
against Russia

The European Court of Human Rights (First Section), sitting on 17 September 2013 as a Committee composed of:

Elisabeth Steiner, *President*,

Mirjana Lazarova Trajkovska,

Linos-Alexandre Sicilianos, *judges*,

and André Wampach, *Deputy Section Registrar*,

Having regard to the above application lodged on 1 March 2006,

Having regard to the declaration submitted by the respondent Government on 25 December 2012 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, Ms Antonina Yefimovna Lebedeva, is a Russian national, who was born in 1952 and lives in Domodedovo.

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 application had been communicated to the Government.

COMPLAINTS

The applicant complains under Article 6 § 1 of the Convention about the length of civil proceedings in her case. She also submits complaints under Articles 6, 8 of the Convention and Article 1 of Protocol No. 1.

THE LAW

A. Complaints of the length of civil proceedings

The applicant complained about the length of proceedings in her case. She relied on Article 6 of the Convention.

By a letter of 25 December 2012 the Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issue raised by the application. They further requested the Court to strike out the application in accordance with Article 37 of the Convention.

The relevant parts of the declaration provided as follows:

“[T]he Russian authorities acknowledge that the length of the proceedings in the applicant’s case was in breach of the “reasonable time” requirement ...

[T]he authorities of the Russian Federation are ready to pay the applicant a sum of EUR 2,800 as just satisfaction.

The authorities therefore invite the Court to strike the present case out of list of cases. They suggest that the present declaration might be accepted by the Court as “any other reason” justifying the striking out of the cases of the Court’s list of cases as referred to in Article 37 § 1 (c) of the Convention.

The sum referred 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 European Convention on Human Rights. 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 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.

This payment will constitute the final resolution of the case.”

By the letters of 21 June and 27 July 2013, the applicant indicated that she was not satisfied with the terms of the unilateral declaration.

The Court recalls 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. Article 37 § 1 (c) enables the Court in particular 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.”

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.

To this end, the Court will examine carefully the declaration in the light of the principles established in its case-law, in particular the *Tahsin Acar*

judgment (*Tahsin Acar v. Turkey*, (preliminary issue) [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).

The Court has established in a number of cases, including those brought against Russia, its practice concerning complaints about the violation of one's right to a hearing within a reasonable time (see, among other authorities, *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII, and *Cocchiarella v. Italy* [GC], no. 64886/01, §§ 69-98, ECHR 2006-V).

Having regard to the nature of the admissions contained in the Government's declaration, the specific circumstances of the present case, as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the application (Article 37 § 1(c) of the Convention).

Moreover, in light of the above considerations, and in particular given the clear and extensive case-law on the topic, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the application (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application could be restored to the list in accordance with Article 37 § 2 of the Convention (*Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

In view of the above, it is appropriate to strike the case out of the list in the part concerning the complaint of the length of proceedings.

B. Other complaints

Further, the applicant submitted accessory complaints under Articles 6 and 8 of the Convention and Article 1 of Protocol No. 1. However, in the light of all the material in its possession, and in so far as the matters complained of are within its competence, the Court finds that they do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols. It follows that the application in this part must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court unanimously

Takes note of the terms of the respondent Government's declaration under Article 6 § 1 of the Convention and of the modalities for ensuring compliance with the undertakings referred to therein;

Decides to strike the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention in the part concerning length of civil proceedings in her case.

Declares the remainder of the application inadmissible.

André Wampach
Deputy Registrar

Elisabeth Steiner
President