



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

FIRST SECTION

DECISION

Application no. 32052/08
Marat Karimovich KHAYBULLIN
against Russia

The European Court of Human Rights (First Section), sitting on 28 January 2014 as a Committee composed of:

Khanlar Hajiyeu, *President*,

Julia Laffranque,

Erik Møse, *judges*,

and André Wampach, *Deputy Section Registrar*,

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

Having regard to the declaration submitted by the respondent Government on 2 October 2013 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

1. The applicant, Mr Marat Karimovich Khaybullin, is a Russian national, who was born in 1971 and lived in the town of Salavat, Bashkortostan Republic before his arrest. He is serving his sentence in a correctional colony in the Orenburg Region. He was represented before the Court by Mr E. Markov, a lawyer practising in Strasbourg.

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 applicant complained, in particular, about the conditions of his detention in temporary detention facility IZ-56/2 in the Orenburg Region for slightly over three years. He also complained under Article 5 § 3 of the Convention that his pre-trial detention during those three years had been excessively long and that there existed no relevant and sufficient grounds for it.

4. By their letters dated 2 October 2013, the Government informed the Court that they proposed to make a declaration with a view to resolving the issues raised by the applicant. They acknowledged that the applicant had been “detained in the conditions which did not comply with the requirements of Article 3 of the Convention” and also that “between 17 May 2005 and October 2008 he [had been] detained in violation of Article 5 § 3 of the Convention”. The Government stated their readiness to pay EUR 12,350 to the applicant as just satisfaction. 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 payable 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.

5. On 12 December 2013, 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

6. The Court considers that the applicants’ 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).

7. 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.

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

André Wampach
Deputy Registrar

Khanlar Hajiyev
President