



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

FIRST SECTION

DECISION

Application no. 10376/07
Igor Yuryevich KARTASHOV against Russia
and four other applications
(see list appended)

The European Court of Human Rights (First Section), sitting on 18 March 2014 as a Committee composed of:

Mirjana Lazarova Trajkovska, *President*,
Linos-Alexandre Sicilianos,
Ksenija Turković, *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 Government and the applicants' acceptance of their terms,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicants are Russian citizens; their names and birth dates are indicated in the appendix to the decision.

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 that their detention on remand had been unreasonably long and that it had not been based on relevant or sufficient reasons.

4. On 21 June 2013 the applicant's complaints were communicated to the Russian Government for observations.

5. By letters of 13 September 2013 the Government informed the Court that they proposed to make a unilateral declaration with a view to resolving

the issue raised by the applications. They further requested the Court to strike out the applications in accordance with Article 37 of the Convention.

6. In that declaration, the Government acknowledged that all the applicants had been “detained in violation of Article 5 § 3 of the Convention” and stated their readiness to pay the following amounts to the applicants as just satisfaction:

(a) 3,120 euros (EUR) to Mr Kartashov for his detention on remand between 29 July 2005 and 9 March 2007;

(b) EUR 5,120 to Mr Kuratov for his detention on remand “during the criminal proceedings against him” (between 27 September 2006 and 11 June 2008, between 20 August and 23 December 2008, and between 22 July 2009 and 4 February 2010);

(c) EUR 7,000 to Mr Spiridonov for his detention on remand between 27 October 2007 and 28 May 2013;

(d) EUR 4,320 to Mr Nurgaleyev for his detention on remand between 5 May 2011 and 10 July 2013; and

(e) EUR 1,900 to Mr Delikov for his detention on remand between 26 April 2012 and 20 March 2013.

7. The remainder of their declaration provided as follows:

“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 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 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.”

8. In their letters of different dates, the applicants informed the Court that they agreed to the terms of the Government’s declarations. However, Mr Kartashov asked the Court to specify in its final decision that the just satisfaction offered by the Government should be exempt from attachment.

THE LAW

9. 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.

10. 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).

11. 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.

12. As to Mr Kartashov's request to indicate to the Russian Government that the just satisfaction should be free from attachment, the Court recalls that "the compensation fixed pursuant to Article 41 and due by virtue of a judgment of the Court should be exempt from attachment"; however, the Court usually refrained to rule on such requests for want of jurisdiction (see *Selmouni v. France* [GC], no. 25803/94, § 133, ECHR 1999-V; *Velikova v. Bulgaria*, no. 41488/98, § 99, ECHR 2000-VI, with further references). The Court does not see any reason to depart from this approach *in casu*. That being said, the Court considers that it may accept conditions of the friendly settlement in respect of Mr Kartashov as they are formulated in the Government's declaration.

13. 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

Mirjana Lazarova Trajkovska
President

APPENDIX

| No | Application No | Lodged on | Applicant Date of birth Place of residence | Represented by |
|-----------|-----------------------|------------------|--|----------------------------------|
| 1. | 10376/07 | 11/12/2006 | Igor Yuryevich KARTASHOV 20/03/1970 Saransk | Sergey Trofimovich MARYIN |
| 2. | 33604/08 | 10/06/2008 | Ivan Viktorovich KURATOV 30/03/1981 Tula | |
| 3. | 51228/08 | 09/09/2008 | Sergey Yevgenyevich SPIRIDONOV 18/10/1972 Kemerovo | |
| 4. | 76566/12 | 05/11/2012 | Vyacheslav Aleksandrovich DELIKOV 20/11/1967 Elista | Vladimir Viktorovich GALITROV |
| 5. | 3438/13 | 29/11/2012 | Ilyas Alfirovich NURGALEYEV 21/01/1986 Ufa | |