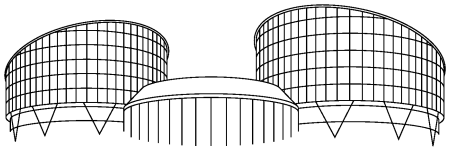

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

DECISION

Application no. 45710/07
Faniya Minimurzinovna GABDLAKHATOVA
against Russia

The European Court of Human Rights (First Section), sitting on 1 July 2014 as a Committee composed of:

Khanlar Hajiyev, *President,*
Erik Møse,
Dmitry Dedov, *judges,*
and André Wampach, *Deputy Section Registrar,*

Having regard to the above application,

Having regard to the decision to apply the pilot-judgment procedure taken in the case of *Burdov v. Russia* (*no. 2*) (no. 33509/04, ECHR 2009),

Having regard to the declaration submitted by the respondent Government on 13 October 2013 requesting the Court to strike the application out of its list of cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Ms Faniya Minimurzinovna Gabdlakhatova, is a Russian national, who was born in 1963 and lives in Totskoye.

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

The application was lodged with the Court before 15 January 2009, the date of the delivery of the pilot judgment (*Burdov (no. 2)*, cited above).

The facts of the case, as submitted by the parties, may be summarised as follows. On 7 December 2006 the Totskiy District Court of the Orenburg Region awarded the applicant 2,298.91 Russian roubles in a dispute over social allocations. The decision became final on 19 December 2006 and was finally executed on 5 December 2012.

COMPLAINTS

The applicant complained under Article 6 of the Convention and Article 1 of Protocol No. 1 about the delayed enforcement of the judgment in her favour.

THE LAW

In line with the *Burdov* (*no. 2*) pilot judgment, cited above, the Government informed the Court that the domestic court decision had been enforced and submitted a unilateral declaration aimed at resolving the issue of delayed enforcement. By this declaration the Russian authorities acknowledged the lengthy enforcement of the judgment. They also declared that they were ready to pay the applicant 3,760 euros in respect of non-pecuniary damage for the delay in the enforcement during 5 years 11 months and 16 days. The remainder of the declaration read as follows:

> "The authorities therefore invite the Court to strike the application out of the 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 case of the Court's list of cases, as referred to in Article 37 § 1 (c) of the Convention.
>
> The sum ..., 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."

The applicant did not provide any comments on 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."

Article 37 § 1 *in fine* states:

> "However, the Court shall continue the examination of the application if respect for human rights as defined in the Convention and the protocols thereto so requires."

The Court recalls that in its pilot judgment cited above (point 7 of the operative part) it ordered the Russian Federation to:

> "... grant [adequate and sufficient] redress, within one year from the date on which the judgment [became] final, to all victims of non-payment or unreasonably delayed payment by State authorities of a judgment debt in their favour who [had] lodged their applications with the Court before the delivery of the present judgment and whose applications [had been] communicated to the Government under Rule 54 § 2 (b) of the Rules of the Court."

In the same judgment the Court also held that (point 8 of the operative part):

> "... pending the adoption of the above measures, the Court [would] adjourn, for one year from the date on which the judgment [became] final, the proceedings in all cases concerning solely the non-enforcement and/or delayed enforcement of domestic judgments ordering monetary payments by the State authorities, without prejudice to the Court's power at any moment to declare inadmissible any such case or to strike it out of its list following a friendly settlement between the parties or the resolution of the matter by other means in accordance with Articles 37 or 39 of the Convention."

Having examined the terms of the Government's declaration, the Court understands them as intending to give the applicant redress in line with the pilot judgment (see *Burdov* (*no. 2*), cited above, §§ 127 and 145 and point 7 of the operative part).

The Court is satisfied that the excessive length of the execution of the judgment in the applicant's favour is explicitly acknowledged by the Government. The Court also notes that the domestic judgment debt was paid to the applicant and that the compensation offered by the Government for non-pecuniary damage is comparable with Court awards in similar cases, taking account, *inter alia*, of the delay in the case (see *Burdov* (*no. 2*), cited above, §§ 99 and 154).

The Court therefore considers that it is no longer justified to continue the examination of the application, nor is it required to do so by respect for human rights as defined in the Convention and the protocols thereto. Accordingly, the application should be struck out of the list.

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.

André Wampach
Deputy Registrar

Khanlar Hajiyev
President