



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

## FIRST SECTION

### DECISION

Application no. 3666/06  
Anatoliy Anatolyevich OSTROUSHKO against Russia  
and 11 other applications  
(see list appended)

The European Court of Human Rights (First Section), sitting on 9 December 2014 as a Committee composed of:

Mirjana Lazarova Trajkovska, *President*,

Paulo Pinto de Albuquerque,

Linos-Alexandre Sicilianos, *judges*,

and André Wampach, *Deputy Section Registrar*,

Having regard to the above applications,

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 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 is set out in the appendix.

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

The applicants complained under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 about the delayed enforcement of judgments of domestic courts delivered in their favour.

By letters dated 11 January 2013 the Government informed the Court that they proposed to make declarations with a view to resolving the issues raised by the applications. They acknowledged the violation of the applicants' rights in connection with delayed enforcement of the judgments delivered in their favour and stated their readiness to pay to the applicants

the sums set out in the appendix as just satisfaction. The payments were to cover any pecuniary and non-pecuniary damage, together with any costs and expenses incurred, and will be free of any taxes that may be chargeable. They 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 them, 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 payments would constitute the final resolution of the cases.

In their letters the applicants informed the Court that they agreed to the terms of the Government's declarations.

## THE LAW

Given that the applications at hand concern similar facts and complaints and raise identical issues under the Convention, the Court decides to join them.

The Court considers that in each case the applicant's express agreement to the terms of the declaration 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) as to the delayed enforcement of the judgment in favour of the applicants.

The Court therefore takes note of the friendly settlement reached between the parties in each case. 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.

As regards the question of implementation of the Government's undertakings, the Committee of Ministers remains competent to supervise this matter in accordance with Article 46 of the Convention (see the Committee's decisions of 14-15 September 2009 (CM/Del/Dec(2009)1065) and Interim Resolution CM/ResDH(2009)158 concerning the implementation of the *Burdov (no. 2)* judgment). In any event the Court's present ruling is without prejudice to any decision it might take to restore, pursuant to Article 37 § 2 of the Convention, any of the applications to the list of cases (see *E.G. v. Poland and 175 other Bug River applications* (dec.), no. 50425/99, § 29, ECHR 2008 (extracts)).

In view of the above, it is appropriate to strike the cases out of the list in accordance with Article 39 of the Convention as to the delayed enforcement of the judgment in favour of the applicants.

As for the applicants' accessory complaints in the applications nos. 35568/08 and 21606/07 referring to various Articles of the Convention, 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 these parts of the applications are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

*Decides* to join the applications;

*Decides* to strike out of its list of cases in accordance with Article 39 of the Convention the applications in the parts concerning the complaints about the delayed enforcement of the judgments in favour of the applicants;

*Declares* the remainder of the applications nos. 35568/08 and 21606/07 inadmissible.

André Wampach  
Deputy Registrar

Mirjana Lazarova Trajkovska  
President

## APPENDIX

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by	Unilateral remedial offer
1.	3666/06	24/11/2005	<b>Anatoliy Anatolyevich OSTROUSHKO</b> 27/01/1957 Rostov-na-Donu		1,110 euros (EUR)
2.	2728/07	04/12/2006	<b>Lidiya Nikandrovna LISITSINA</b> 07/05/1934 Obninsk		EUR 830
3.	4304/07	11/12/2006	<b>Vyacheslav Ivanovich SHMELEV</b> 30/11/1959 Petrovskoye		EUR 680
4.	4305/07	11/12/2006	<b>Aleksandr Vyacheslavovich KOLOBOV</b> 10/09/1956 Sestrenka		EUR 680
5.	5677/07	30/11/2006	<b>Nikolay Ivanovich KOZYRKOV</b> 28/03/1964 Pokrovskoye		EUR 680
6.	6198/07	11/12/2006	<b>Oleg Vladimirovich KAPCHINSKIY</b> 28/11/1961 Petrovskoye		EUR 680
7.	21606/07	31/03/2007	<b>Nikita Sergeyevich KARPENKO</b> 07/09/1986 Belgorod  <b>Galina Pavlovna KARPENKO</b> 24/12/1958 Belgorod		EUR 693

8.	29731/07	21/05/2007	<b>Valentina Ivanovna BUGAYCHUK</b> 26/01/1947 Petrovskaya	Vasiliy Vasiliyevich BOROVIKOV	EUR 1,452
			<b>Tatyana Vasilyevna TROTSKAYA</b> 07/06/1955 Slavyansk-na-Kubani		EUR 1,516
			<b>Alla Fedorovna STEPANENKO</b> 01/01/1948 Slavyansk-na-Kubani		EUR 1,489
			<b>Svetlana Alekseyevna KARENKO</b> 27/11/1960 Slavyansk-na-Kubani		EUR 1,635
			<b>Lidiya Ivanovna POTAPOVA</b> 23/02/1950 Slavyansk-na-Kubani		EUR 1,473
9.	35568/08	22/04/2008	<b>Anatoliy Borisovich BOGDANOV</b> Pskov  <b>Anastasiya Ivanovna BOGDANOVA</b> Pskov	Nikolay Vasilyevich SHERSHNEV	EUR 3,738 (non-pecuniary damage to each applicant); plus 55,979.2 Russian roubles (RUB) (pecuniary damage to each applicant)
10.	36841/08	24/06/2008	<b>Dmitriy Ivanovich GOROKHOV</b> 06/02/1952 Moscow		EUR 678
11.	37123/08	28/05/2008	<b>Artur Alikovich SOLONINA</b> 05/01/1977 Norilsk		EUR 2,362
12.	20478/13	21/03/2008	<b>Svetlana Ivanovna FEFLOVA</b> 28/06/1953 Voronezh	Ilya Vladimirovich SIVOLDAYEV	EUR 6,762 (non-pecuniary damage); plus RUB 3,691.11 (pecuniary damage)