



Г-ну МАЗИТОВУ Т. Ф.
Юридический центр,
пр. Косыгина, д. 30 к. 2,
г. Санкт-Петербург, 195298
РОССИЯ / RUSSIE

FILTERING SECTION

ECHR-LE10.1R
VP/ER/ebn

28/09/2017

Application no. 6938/13

Aliyev v. Russia

Joined to application no. 6205/11 - Kiryayev v. Russia

Dear Sir,

I write to inform you that the European Court of Human Rights decided on 07/09/2017, after having deliberated, to strike the above application out of its list of cases after a friendly settlement was reached. A copy of the decision is enclosed. The decision is also now available on the Court's Internet site (hudoc.echr.coe.int/sites/eng).

I would draw your attention to the fact that execution of decisions of this type is within the competency of the Committee of Ministers (Article 39 § 4 of the Convention). Any question in this respect, including payment of just satisfaction and possible default interest, should be addressed to the Department for the Execution of Judgments of the Court at the DGI (Directorate General of Human Rights and Rule of Law) of the Council of Europe:

- Fax number: 33 (0) 3 88 41 27 93
- Website: www.coe.int/t/dghl/monitoring/execution
- Email just satisfaction: dgl_execution_just_satisfaction@coe.int
- Address: Council of Europe, Department for the Execution of ECHR judgments, F-67075 Strasbourg Cedex.

To enable the sum mentioned in the appendix of the decision to be paid to the applicant, you are requested to forward the applicant's bank account details directly to the Government Agent Office (Mr M. Galperin, Representative of the Russian Federation at the European Court of Human Rights, 14 Zhitnaya str., 119991 Moscow, Russia).

Yours faithfully,


Liv Tigerstedt

Deputy to the Registrar of the Filtering Section

Enc.: Decision



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

THIRD SECTION

DECISION

Application no. 6205/11
Roman Anatolyevich KIRYAYEV against Russia
and 7 other applications
(see appended table)

The European Court of Human Rights (Third Section), sitting on 7 September 2017 as a Committee composed of:

Luis López Guerra, *President*,

Dmitry Dedov,

Jolien Schukking, *judges*,

and Liv Tigerstedt, *Acting Deputy Section Registrar*,

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having regard to the declarations submitted by the respondent Government requesting the Court to strike the applications out of the list of cases, and the applicants' replies to these declarations,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants' complaints under Article 3 of the Convention concerning the inadequate conditions of detention were communicated to the Russian Government ("the Government"). In some of the applications, complaints based on the same facts were also communicated under other provisions of the Convention.

The Government submitted declarations with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the applications.

The Government acknowledged the inadequate conditions of detention. In some of the applications, they further acknowledged that the domestic authorities had violated the applicants' rights guaranteed by other provisions

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of the Convention. They offered to pay the applicants the amounts detailed in the appended table and invited the Court to strike the applications out of the list of cases in accordance with Article 37 § 1 (c) of the Convention. The amounts would be converted into the currency of the respondent State at the rate applicable on the date of payment, and would be payable within three months from the date of notification of the Court's decision. In the event of failure to pay these amounts within the above-mentioned three-month period, the Government undertook to pay simple interest on them, 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.

The payment will constitute the final resolution of the cases.

The applicants informed the Court that they agreed to the terms of the declarations.

THE LAW

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

The Court finds that, following the applicants' express agreement to the terms of the declaration made by the Government, the cases should be treated as a friendly settlement between the parties.

It 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 the Protocols thereto and finds no reasons to justify the continued examination of the applications.

In view of the above, it is appropriate to strike the cases out of the list as regards the complaints concerning the inadequate conditions of detention and the other complaints under well-established case-law (see appended table).

The applicants also raised other complaints under various articles of the Convention.

The Court has examined the applications listed in the appended table and considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints either do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

It follows that this part of the applications must be rejected in accordance with Article 35 § 4 of the Convention.


For these reasons, the Court, unanimously,

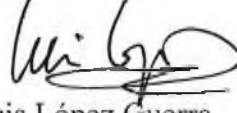
Decides to join the applications;

Decides to strike the applications out of its list of cases in accordance with Article 39 of the Convention as regards the complaints concerning the inadequate conditions of detention and the other complaints under well-established case-law (see appended table);

Declares the remainder of the applications inadmissible.

Done in English and notified in writing on 28 September 2017.


Liv Tigerstedt
Acting Deputy Registrar


Luis López Guerra
President

No.	Application no. Date of introduction	Applicant name Date of birth	Representative name and location	Other complaints under well-established case-law	Date of receipt of Government's declaration	Date of receipt of applicant's acceptance	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) [*]
5.	5961/16 15/11/2015	Roman Aleksandrovich Dichko 17/03/1979			12/01/2017	31/03/2017	3,500
6.	40408/16 02/07/2016	Kirill Yuryevich Pavlov 04/06/1978		Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention -	18/01/2017	24/03/2017	6,875
7.	42272/16 08/07/2016	Mikhail Viktorovich Kurguzov 29/12/1986	Vinogradov Aleksandr Vladimirovich Kostroma		17/01/2017	10/03/2017	4,000
8.	42298/16 04/07/2016	Aleksandr Yuryevich Tsyganov 24/03/1961	Vinogradov Aleksandr Vladimirovich Kostroma		17/01/2017	21/03/2017	4,000

^{*} Plus any tax that may be chargeable to the applicants.