



Г-же ИЩЕНКО А. А.
ул. Краснобогатырская, д. 90, стр. 22, оф. 210,
г. Москва, 119002
РОССИЯ / RUSSIE

FILTERING SECTION

ECHR-LE10.1R
VM/DGU/aad

08/12/2016

Application no. 36506/12
Razhabmamatov v. Russia
Joined to application no. 48701/10 – Mester v. Russia

Dear Madam,

I write to inform you that the European Court of Human Rights decided on 17/11/2016, after having deliberated, to strike the above application out of its list of cases. 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).

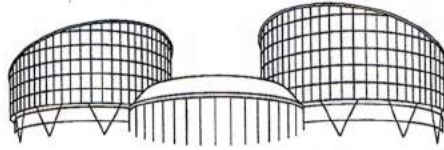
To enable the sum mentioned in the appendix of the decision to be paid to the applicant, you are requested to forward the applicant's bank account details directly to the Government Agent (Mr G. Matyushkin, Representative of the Russian Federation at the European Court of Human Rights, 14 Zhitnaya str.,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

Yours faithfully,

H. Bakırcı

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. 48701/10
Oksana Vladimirovna MESTER against Russia
and 9 other applications
(see appended table)

The European Court of Human Rights (Third Section), sitting on 17 November 2016 as a Committee composed of:

Helena Jäderblom, *President*,

Dmitry Dedov,

Branko Lubarda, *judges*,

and Hasan Bakırcı, *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,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

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

The applicants' complaints under Article 5 § 3 of the Convention concerning the excessive length of pre-trial detention were communicated to the Russian Government ("the Government").

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 Government informed the Court that they proposed to make unilateral declarations with a view to resolving the issues raised by these

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

The Government acknowledged the excessive length of pre-trial detention. 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 Court has not received a response from the applicants which accepts the terms of the unilateral declaration.

The Court observes that Article 37 § 1 (c) enables it 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 applications”.

Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicants wish the examination of the cases to be continued (see the principles emerging from the Court's case-law, and in particular the *Tahsin Acar v. Turkey* (preliminary objections) ([GC], no. 26307/95, §§ 75-77, ECHR 2003-VI)).

The Court has established clear and extensive case-law concerning complaints relating to the excessive length of pre-trial detention (see, for example, *Dirdizov v. Russia*, no. 41461/10, 27 November 2012).

Noting the admissions contained in the Government's declarations as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the applications (Article 37 § 1 (c)).

In the light of the above considerations, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the applications (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declarations, the applications may be restored to the list in accordance with Article 37 § 2 of the Convention (*Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

In view of the above, it is appropriate to strike the cases out of the list.

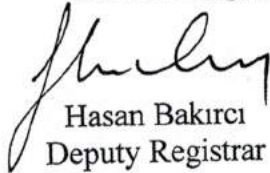
For these reasons, the Court, unanimously,

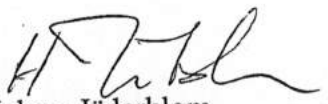
Decides to join the applications;

Takes note of the terms of the respondent Government's declarations and of the arrangements for ensuring compliance with the undertakings referred to therein;

Decides to strike the applications out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

Done in English and notified in writing on 8 December 2016.


Hasan Bakırcı
Deputy Registrar


Helena Jäderblom
President

MESTER v. RUSSIA AND OTHER APPLICATIONS DECISION

APPENDIX

No.	Application no. Date of introduction	Applicant name Date of birth	Representative name and location	Date of receipt of Government's declaration	Date of receipt of applicant's comments, if any	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)
1.	4870/10 04/08/2010	Oksana Vladimirovna MESTER 19/03/1977		01/06/2016		1,200
2.	21420/11 05/03/2011	Mikhail Borisovich SHELESNOV 18/05/1956	Brovchenko Sergey Vasilyevich Moscow	27/04/2015	24/06/2015	1,500
3.	52954/11 28/07/2011	Sergey Aleksandrovich CHERNYAKOV 09/01/1974	Sarbashev Artem Borisovich Moscow area, Lobnya	01/06/2016		1,350
4.	3340/12 31/12/2011	Timofey Aleksandrovich MOLCHANOV 10/08/1987		01/06/2016	21/07/2016	1,850
5.	36506/12 24/05/2012	Safarmurod Razabhanmatovich RAZHABMATOV 19/03/1972	Ishchenko Anna Aleksandrovna Moscow	01/06/2016		1,500
6.	13942/14 03/02/2014	Rovshan Toifkovich TAKHMEZOV 15/07/1980	Gabuniya Iosif Togoyevich St Petersburg	01/06/2016	05/08/2016	1,550

MESTER v. RUSSIA AND OTHER APPLICATIONS DECISION

No.	Application no. Date of introduction	Applicant name Date of birth	Representative name and location	Date of receipt of Government's declaration	Date of receipt of applicant's comments, if any	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)
7.	30408/14 29/03/2014	Stepan Andreyevich YERMAKOV 08/10/1985		01/06/2016		2,200
8.	55219/14 01/09/2014	Pavel Vladimirovich POLIVTSEV 17/02/1985		01/06/2016	26/07/2016	2,450
9.	15755/15 23/02/2015	Konstantin Pavlovich YEVSTRATOV 13/04/1968		01/06/2016	19/07/2016	1,750
10.	31093/15 09/06/2015	Yuriy Aleksandrovich MAZUTSKIY 09/11/1988		01/06/2016	08/07/2016	2,100

Plus any tax that may be chargeable to the applicants.