

KUTEPOV v. RUSSIA AND OTHER APPLICATIONS DECISION

APPENDIX

List of applications raising complaints under Article 5 § 3 of the Convention
(excessive length of pre-trial detention)

No.	Application no. Date of introduction	Applicant's name Date of birth	Representative's name and location	Other complaints under well-established case-law	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
1.	64867/14 26/09/2014	Stanislav Viktorovich KUTEPOV 04/06/1989	Yegazaryants Vladimir Vladimirovich Astrakhan	Art. 3 - inadequate conditions of detention - conditions of detention in IZ-30/1 Astrakhan Region from 20/09/2013 to 06/09/2014; overcrowding. Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention	15/05/2018	29/06/2018	5,700
2.	45711/18 14/09/2018	Rafail Failovich GALJKEV 19/10/1982	Salykin Dmitriy Gennadyevich St.Petersburg		03/07/2019	22/05/2020	2,150
3.	47931/18 01/10/2018	Shamil Kikhiyarovich SHIKHVERDIYEV 18/09/1987	Alekseyenko Dmitriy Andreyevich Nizhniy Novgorod		15/05/2020		1,150
4.	59574/18 20/11/2018	Igor Vladimirovich YUSHKIN 22/04/1983		Art. 13 - lack of any effective remedy in respect of inadequate conditions of detention. Art. 3 - inadequate conditions of detention during transport between IZ-3 Volgograd Region and IVS Novoanninskiy on several occasions; 28/06/2018 - 12/10/2018; no more than 0.25 sq.m; van. Art. 3 - inadequate conditions of detention in IZ-3 of the Volgograd Region; 27/06/2018 - 19/03/2019; 2.5 sq m of personal space; overcrowding.	29/05/2020		7,600
5.	24707/19 29/04/2019	Alik Vitalikovich ZARGARYAN 29/07/1982	Ustinov Roman Vyacheslavovich Volgograd		18/03/2020	27/05/2020	1,000

¹ Plus any tax that may be chargeable to the applicants.

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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 30 July 2020.



Liv Tigerstedt
Acting Deputy Registrar



Alena Poláčková
President

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. In some of the applications, they further acknowledged that the domestic authorities had violated the applicants' rights guaranteed by other provisions 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 terms of the Government's unilateral declarations were sent to the applicants several weeks before the date of this decision. The Court has not received a response from the applicants accepting the terms of the declarations.

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 application”.

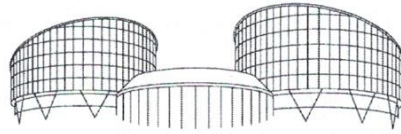
Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicants wish the examination of the cases to be continued (see, in particular, the *Tahsin Acar v. Turkey* judgment (preliminary objections) [GC], no. 26307/95, §§ 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



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

THIRD SECTION

DECISION

Application no. 64867/14
Stanislav Viktorovich KUTEPOV against Russia
and 4 other applications
(see appended table)

The European Court of Human Rights (Third Section), sitting on 9 July 2020 as a Committee composed of:

Alena Poláčková, *President*,

Dmitry Dedov,

Gilberto Felici, *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,

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"). In some of the applications, complaints based on the same facts were also communicated under other provisions of the Convention.

THE LAW

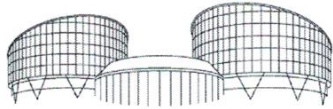
Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

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

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РОССИЯ / RUSSIE

FILTERING SECTION

ECHR-LE10.1R
VM/atu

30/07/2020

Application no. 45711/18

Galikeyev v. Russia

Joined to application no. 64867/14 - Kutepov v. Russia

Dear Sir,

I write to inform you that the European Court of Human Rights decided on 09/07/2020, 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 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 Head of the Filtering Section

Enc.: Decision