



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

FIRST SECTION

DECISION

Application no. 44888/05  
Sergey Viktorovich TKACHENKO against Russia  
and 4 other applications  
(see list appended)

The European Court of Human Rights (First Section), sitting on 18 September 2012 as a Committee composed of:

Linos-Alexandre Sicilianos, *President*,

Anatoly Kovler,

Erik Møse, *judges*,

and André Wampach, *Deputy Section Registrar*,

Having regard to the above applications lodged on the dates set out in the appendix,

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 and their representatives is set out in the appendix.

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

The applicants complained under Article 3 of the Convention about the conditions of their detention in Russian penitentiary facilities.

By letters dated 13 April and 15 and 30 May 2012, the Government informed the Court that they proposed to make a declaration with a view to resolving the issue raised by the applications. They acknowledged that the

applicants had been “detained in the conditions which did not comply with the requirements of Article 3 of the Convention” and stated their readiness to pay the following amounts to the applicants as just satisfaction: 3,700 euros (EUR) to Mr Tkachenko, EUR 6,000 to Mr Bordikov, EUR 4,050 to Mr Totorov, EUR 4,000 to Mr Gilmullin, and EUR 9,900 to Mr Shastin. The payment was to cover any pecuniary and non-pecuniary damage, together with any costs and expenses incurred, as well as any tax that may be chargeable. It 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 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. The payment would constitute the final resolution of the cases.

In their separate letters of 13 and 26 June and 18, 23 and 25 July 2012, the applicants informed the Court that they agreed to the terms of the Government’s declarations.

## THE LAW

The Court considers that the applicants’ express agreement to the terms of the declarations 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).

The Court 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 its Protocols and finds no reasons to justify a continued examination of the applications.

In view of the above, it is appropriate to strike the cases out of the list in accordance with Article 39 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.

André Wampach  
Deputy Registrar

Linos-Alexandre Sicilianos  
President

## APPENDIX

No	Application No	Lodged on	Applicant Date of birth Place of residence	Represented by
1.	44888/05	17/03/2005	<b>Sergey Viktorovich TKACHENKO</b> 09/01/1964 Toguchin	Viktoriya Sergeevna ILYUKHINA
2.	2552/08	29/11/2007	<b>Viktor Viktorovich BORDIKOV</b> 20/05/1964 Rostov-on-Don	
3.	45425/09	19/05/2009	<b>Yevgeniy Borisovich TOTOROV</b> 29/01/1967 Irkutsk	
4.	28316/10	01/03/2010	<b>Ruzil Khalilovich GILMULLIN</b> 07/11/1982 Aktanysh	
5.	22934/11	01/04/2011	<b>Aleksandr Sergeevich SHASTIN</b> 27/09/1964 Yekaterinburg	Natalya Valeryevna SUKHAREVA