



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

FIFTH SECTION

DECISION

*This version was rectified on 27 August 2012
under Rule 81 of the Rules of Court*

Application no. 26447/07
Sergey Aleksandrovich MIKHAYLOV
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on
13 March 2012 as a Committee composed of:

Mark Villiger, *President*,

Karel Jungwiert,

André Potocki, *judges*,

and Stephen Phillips, *Deputy Section Registrar*,

Having regard to the above application lodged on 4 June 2007,

Having regard to the formal declarations accepting a friendly settlement
of the case,

Having deliberated, decides as follows:

PROCEDURE

The applicant, Mr Sergey Aleksandrovich Mikhaylov, is a Ukrainian national who was born in 1966 and lives in Krasnyy Luch. The Ukrainian Government (“the Government”) were represented by their Agent, Ms V. Lutkovska, of the Ministry of Justice.

The applicant complained under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 about the non-enforcement of the judgments of

the Krasnyy Luch Court of 25¹ February 2004, 8 June 2004 and 26 July 2006 given in his favour against the State enterprise “Donbassantratsyt” and the State Savings Bank.

The Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against Ukraine in respect of the facts giving rise to this application against an undertaking by the Government to pay him the debts owed to him under the above judgments, as well as to pay him *ex gratia* 1,600 euros to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which would be converted into Ukrainian hryvnias at the rate applicable on the date of payment, and would be free of any taxes that might be applicable. The sum will be payable within three months from the date of notification of the decision taken by the Court pursuant to Article 37 § 1 of the Convention. In the event of failure to pay this sum within the said three-month 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 will constitute the final resolution of the case.

THE LAW

The Court 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 application (Article 37 § 1 *in fine* of the Convention).

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

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases.

Stephen Phillips
Deputy Registrar

Mark Villiger
President

1. Rectified on 27 August 2012; the text read “15 February 2004”.