



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

FIFTH SECTION

DECISION

Application no. 26678/07
Vladimir Fedorovich ROMAN against Ukraine
and 36 other applications
(see list appended)

The European Court of Human Rights (Fifth Section), sitting on
10 April 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 applications lodged on the dates specified in
the annexed table,

Having deliberated, decides as follows:

THE FACTS

The applicants are Ukrainian nationals whose names and dates of birth
are specified in the annexed table. The Ukrainian Government (“the
Government”) were represented by their Agent, Ms V. Lutkovska, of the
Ministry of Justice.

In the application no.11866/08 the applicant died on 19 June 2010 and
her heir, Mrs M. Yakunina, expressed her wish to pursue the application.

On various dates domestic courts delivered judgments in the applicants’
cases and ordered the domestic authorities to pay them certain amounts. The
judgments became final, but the authorities delayed their enforcement.

COMPLAINTS

Relying on various provisions of the Convention, the applicants complained about the delayed enforcement of the judgments given in their favour. Some of the applicants also raised other complaints under the Convention.

THE LAW

1. The Court considers that, in accordance with Rule 42 § 1 of the Rules of Court, the applications should be joined, given their common factual and legal background.

2. The Government submitted several unilateral declarations with a view to settling the applicants' cases. By the declarations, the Government acknowledged the excessive duration of the enforcement of the applicants' judgments and declared that they were ready to pay to the applicants the outstanding judgement debts and the compensation sums specified in the annexed table. In some declarations the Government referred to the *ex gratia* principle of such payment. The Government invited the Court to strike the applications out of the list of cases pursuant to Article 37 § 1 (c) of the Convention.

The declarations also provided that the compensation sums were to cover any pecuniary and non-pecuniary damage as well as costs and expenses, would be free of any taxes that may be applicable and would be converted into the national currency of the respondent State at the rate applicable at the date of settlement. They would be payable within three months from the date of notification of the decision taken by the Court pursuant to Article 37 § 1 (c) of the Convention. In the event of failure to pay these sums within the said three-month period, the Government undertook to pay simple interest on them 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 applicants expressed their agreement with the terms of the Government's declarations, though some of them questioned the Government's compliance.

The Court reiterates that Article 37 of the Convention provides that it may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to one of the conclusions specified in paragraph 1 (a), (b) or (c) of that Article. Article 37 § 1 *in fine* states:

“However, the Court shall continue the examination of the application if respect for human rights as defined in the Convention and the protocols thereto so requires.”

In the light of the applicants' agreement with the Government's declarations, the Court considers that Article 37 § 1 (b) is relevant in the present cases. This is in line with the *Yuriy Nikolayevich Ivanov* pilot judgment (cited above, § 99 and point 6 of the operative part) and the Court finds no public policy reasons to justify the continued examination.

For these reasons, the Court unanimously

Decides to join the applications;

Takes note of the terms of the respondent Government's unilateral declarations and the applicants' comments thereon;

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

Stephen Phillips
Deputy Registrar

Mark Villiger
President

ANNEX

No.	Application number	Applicant's name, year of birth	Date of introduction	Domestic judgments about the lengthy non-enforcement of which the applicants complain (date of the judgment and name of the court)	Date of the Government's unilateral declaration	Compensation offered by the Government (euro)
1.	26678/07	ROMAN VLADIMIR FEDOROVICH, 1942	17 May 2007	31 July 2006, Krasnyy Luch Court	12 January 2012	960
2.	45765/07	GORBATYUK ALLA SEMENIVNA, 1954	2 October 2007	24 November 2005, Oleksandriya Court	07 November 2011	840
3.	47091/07	SOLODKIN PETR MIKHAYLOVICH, 1934	19 October 2007	3 October 2001, Krasnyy Luch Court	12 January 2012	1,785
4.	49278/07	ZINCHENKO YURIY IVANOVICH, 1958	30 October 2007	3 May 2006, Krasnyy Luch Court	12 July /2011	915
5.	787/08	TISHCHENKO SVETLANA NIKOLAYEVNA, 1956	5 December 2007	25 August 2005, Ovruch Court	17 January 2012	825
6.	2423/08	BLASCHUK VIKTOR ILLICH, 1958	17 December 2008	9 August 2002, Odesa Harrison Court	28 May 2005	1,380
7.	11866/08	PANINA NATALIYA GRIGORYEVNA, 1924	21 January 2008	24 September 2002, Krasnyy Luch Court	9 December 2011	1, 635
8.	21339/08	KRAVTSOV VOLODYMYR ILLICH, 1952	1 April 2008	7 November 2005, Oleksandriya Court	7 November 2011	840
9.	48951/08	BARANOVSKA GALYNA IVANIVNA, 1961	26 September 2008	13 September 2005, Ovruch Court	9 December 2011	1,035

10.	51462/08	VASYUTA VIKTOR BORISOVICH, 1952	26 August 2008	5 June 2006, Artzyisk Court (quashed by the Higher Administrative Court on 28 April 2010)	28 October 2011	630
11.	61676/08	<p>1. VASHCHENKO SERGIY YEVGENOVYCH, 1961</p> <p>2. BEREZHNYI SERGIY DMYTROVYCH, 1960</p> <p>3. BOYKO LARYSA VALENTYNIVNA, 1945</p> <p>4. DUFNIK LYUDMYLA MYKHAYLIVNA, 1958</p> <p>5. KOZACHOK SERGIY VITALIOVYCH, 1959</p> <p>6. KULBABA VASYL MYKOLAYOVYCH, 1954</p> <p>7. LINNIK PAVLO OLEKSANDROVYCH, 1950</p> <p>8. MAYDANYUK KATERYNA IVANIVNA, 1946</p> <p>9. MATUSHAK MYKOLA STEPANOVYCH, 1965</p> <p>10. ONYSHCHUK SERGIY IVANOVYCH, 1941</p> <p>11. TSUGEL IGOR MYKOLAYOVYCH, 1965</p>	1 December 2008	7 March 2007, Khmelnytsk Court	13 July 2011	750

12.	7484/09	GARNYK MARIYA MYKHAYLIVNA, 1955	29 January 2009	5 December 2007, Tetiyv Court	13 September 2010	480
13.	9356/09	BROSLAVSKYY SERGIY IVANOVYCH, 1956	9 February 2009	22 December 2003, Yenakievo Court	9 December 2011	1,410
14.	9379/09	BONDARENKO IVAN PAVLOVYCH, 1963	30 January 2009	11 December 2007, Tetiyv Court	13 September 2010	480
15.	9806/09	GONCHARUK LYUDMYLA BORYSIVNA, 1966	3 February 2009	11 December 2007, Tetiyv Court	13 September 2010	480
16.	14944/09	YEFREMOV YURIY PAVLOVICH, 1938	5 March 2009	14 June 2005, Oleksandriya Court	7 November 2011	840
17.	38705/09	SALITRA IGOR MYKHAYLOVYCH, 1956	3 July 2009	2 February 2007, Ivano-Frankivsk Court	25 June 2011	780
18.	45550/09	TYSHKEVYCH LYUDMYLA VITALIYIVNA, 1977	5 August 2009	21 November 2007, Ichnya Administrative Court	9 December 2011	315
19.	55354/09	MEDVEDEV SERGIY SERGIYOVYCH, 1980	2 October 2009	7 November 2006, Voroshylivskyy District Court of Donetsk	12 January 2012	930
20.	59810/09	GRYSHCHENKO SOFIYA DEMYANIVNA, 1936	28 October 2009	20 November 2007, Tetiyv Court	11 November 2011	705
21.	60936/09	MUDRENOK YEVDOKIYA MYKOLAYIVNA, 1956	9 November 2009	3 December 2007, Tetiyv Court	11 November 2011	705
22.	8317/10	YANKOVENKO PETRO IVANOVYCH, 1944	1 February 2010	27 November 2007, Tetiyv Court	11 November 2011	705

23.	13326/10	BILYK ANDRIY STEPANOVYCH, 1962	22 February 2010	27 November 2007, Tetiyv Court	3 October 2011	675
24.	20395/10	KUDLA VIKTOR GRYGOROVYCH, 1956	24 March 2010	29 January 2008, Tetiyv Court	3 October 2011	645
25.	20888/10	ZHAYVORONYUK PELAGIYA ULYANIVNA, 1932	1 April 2010	2 April 2009, Bershada Court	26 October 2010	450
26.	24245/10	KRAVCHENKO VOLODYMYR IVANOVYCH, 1949	20 April 2010	22 October 2008, 9 and 13 November 2009, Oleksandriya Court	8 December 2011	540
27.	24281/10	TELIPSKA NADIYA DMYTRIVNA, 1938	21 April 2010	26 September 2008 and 10 November 2009, Oleksandriya Court	8 December 2011	555
28.	24780/10	PODOPRIGORA ALEKSANDR IVANOVICH, 1957	20 April 2010	4 July 2007, Saksaganskyy District Court of Kryvyy Rig and 16 October 2008, Dnipropetrovsk Regional Court of Appeal	26 October 2011	435
29.	43389/10	NAZAROV YEVGENIY VLADIMIROVICH, 1971	25 July 2010	19 March 2001, Kostyantynivka Court	12 January 2012	1,935
30.	50683/10	KHARCHENKO VALENTIN NIKOLAYEVICH, 1946	6 September 2010	14 January 2008, Torez Court (amended on 23 May 2008 by Donetsk Administrative Court of Appeal) and 8 May 2009, Torez Court	12 October 2011	465
31.	55475/10	KARPIV OLGA MYKHAYLIVNA, 1986	16 September 2010	24 September 2009, Chervonograd Court	12 October 2011	300

32.	59336/10	FEDCHYSHYNA NINA PETRIVNA, 1928	1 October 2010	28 August 2008, Kamyanets-Podilsk Court and 12 December 2008, Khmelnytsk Regional Administrative Court	21 October 2011	540
33.	61144/10	MASLOV VOLODYMYR IVANOVYCH, 1960	12 October 2010	8 May 2008 and 17 July 2008, Avtozavodskyy District Court of Kremenchuk; 12 February 2009, Kharkiv Regional Administrative Court of Appeal	8 December 2011	600
34.	61417/10	BIBIK PAVLO IVANOVYCH, 1940	28 July 2010	1 October 2008, Avtozavodskyy District Court of Kremenchuk (amended by Kharkiv Administrative Court of Appeal on 5 February 2009)	8 December 2011	495
35.	61521/10	KHRYSTYCH VIKTOR MYKHALOVYCH, 1955	20 October 2010	27 July 2009, Avtozavodskyy District Court of Kremenchuk	8 December 2011	420
36.	63813/10	MASLOVA SVITLANA IVANIVNA, 1962	20 October 2010	6 May, 2, 10 and 19 September, 14 October 2008 and 10 February 2009, Avtozavodskyy District Court of Kremenchuk	8 December 2011	555
37.	3882/11	PYZIN OLEG MIKHAYLOVICH, 1960	17 December 2010	21 October 2002, Kostyantynivka Court	12 January 2012	1,635