

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

FIFTH SECTION

DECISION

Application no. 20440/06
Galina Kurtovna APALKOVA
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 23 October 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 10 May 2006,

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

Having deliberated, decides as follows:

PROCEDURE

The applicant, Ms Galina Kurtovna Apalkova, is a Ukrainian national, who was born in 1962 and lives in Odessa.

The Ukrainian Government ("the Government") were represented by their Agent, Mr N. Kultchytskyy, of the Ministry of Justice.

The applicant complained under Articles 6 § 1 and 13 of the Convention about the length of criminal proceedings against her and the lack of an effective remedy in that regard. The application was communicated to the Government.

The Court received friendly settlement declarations signed by the parties and dated 25 August and 10 September 2012 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 her 1,400 (one thousand four hundred) euros to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which would be converted into national currency of the respondent state at the rate applicable on the date of payment, and would be free of any taxes that may be applicable. It would be payable within three months from the date of notification of the decision taken by the Court. 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 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 would 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. 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 in accordance with Article 39 of the Convention.

Stephen Phillips	Mark Villiger
Deputy Registrar	President