

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

FOURTH SECTION

DECISION

Application no. 6942/07
Vasil Todorov BOCHUKOV and others
against Bulgaria

The European Court of Human Rights (Fourth Section), sitting on 20 March 2012 as a Committee composed of:

George Nicolaou, *President,*
Zdravka Kalaydjieva,
Vincent A. De Gaetano, *judges,*

and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 16 January 2007,

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

Having deliberated, decides as follows:

PROCEDURE

The applicants, Mr Vasil Todorov Bochukov (born in 1953), Ms Siyka Todorova Bochukova (born in 1926), Mr Ivan Todorov Bochukov (born in 1949), Mr Petar Ivanov Bochukov (born in 1929), Mr Sotir Kostadinov Hvoynev (born in 1943), Ms Ivanka Ivanova Nastradinova (born in 1922), Mr Vasil Angelov Bochukov (born in 1957), Mr Ivan Angelov Bochukov (born in 1952), Ms Zlatka Vasileva Bochukova (born in 1932) and Mr Stefan Ivanov Bochukov (born in 1923) are all Bulgarian nationals. They were represented before the Court by Mr M. Ekimdzhiev and Ms G. Chernicherska, lawyers practising in Plovdiv. The Bulgarian Government ("the Government") were represented by their Agent, Ms M. Kotseva, of the Ministry of Justice.

Ms Siyka Todorova Bochukova passed away on 18 February 2010. Her two sons Ivan Todorov Bochukov (the third applicant) and Vasil Todorov Bochukov (the first applicant) stated that they wished to continue the proceedings.

Mr Sotir Kostadinov Hvoynev passed away on 3 July 2008. His wife Zlatka Kostadinova Hvoyneva, born in 1943, and three daughters Kostadinka Sotirova Sirakova, Veska Sotirova Hristova and Maria Sotirova Dimcheva, born in 1977, 1966 and 1971 respectively, stated that they wished to continue the proceedings.

Ms Ivanka Ivanova Nastradinova passed away on 24 February 2008. Her four daughters Maria Kostadinova Yaneva, Elena Kostadinova Markova, Slavka Kostadinova Manolova and Tsonka Kostadinova Kanevska, born in 1942, 1946, 1949 and 1949 respectively, stated that they wished to continue the proceedings.

Mr Stefan Ivanov Bochukov passed away on 21 October 2008. His daughters Maria Stefanova Manolova and Ruska Stefanova Bochukova, born in 1952 and 1954 respectively, stated that they wished to continue the proceedings.

On 30 June 2011 the President of the Fourth Section of the Court decided to communicate the applicants' complaints under Article 6 § 1 and Article 13 of the Convention concerning the length of civil proceedings and the lack of effective remedies in this regard.

THE LAW

On 19 August and 21 November 2011 the Court received friendly settlement declarations signed by the parties under which the applicants agreed to waive any further claims against Bulgaria in respect of the facts giving rise to the application against an undertaking by the Government to pay them *ex gratia* 12,500 euros jointly, which would cover any pecuniary and non-pecuniary damage, as well as costs and expenses, and would be free of any taxes that may be applicable, to be converted into the national currency of the respondent State at the rate applicable at the date of settlement. The sum would be payable within three months from the date of notification of the decision taken by the Court pursuant to Article 37 § 1 of the European Convention on Human Rights. In the event of failure to pay the sum 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. This payment would constitute the final resolution of the cases.

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.

Fatoş Aracı Deputy Registrar	George Nicolaou President