

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

THIRD SECTION

DECISION

Application no. 52157/10
Nicolae CUSNIR
against Moldova

The European Court of Human Rights (Third Section), sitting on 29 May 2012 as a Committee composed of:

Ineta Ziemele, *President,*
Ján Šikuta,
Nona Tsotsoria, *judges,*
and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 26 August 2010,

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

Having deliberated, decides as follows:

PROCEDURE

The applicant, Mr Nicolae Cusnir, is a Moldovan national, who was born in 1947 and lives in Bălţi. He was represented before the Court by Mr V. Caletnic, a lawyer practising in Rauţel. The Moldovan Government ("the Government") were represented by Mr Lilian Apostol.

The applicant complained under Article 10 of the Convention about the breach of his right to freedom of expression.

On 26 March 2012 and 13 April 2012 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against Moldova in respect of the facts giving rise to this application against an undertaking by the Government to pay him 3,000 euros to cover any pecuniary and non-pecuniary damage as

well as costs and expenses, which would be converted into Moldovan lei at the rate applicable on the date of payment. This amount 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 European Convention on Human Rights. 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.

Marialena Tsirli	Ineta Ziemele
Deputy Registrar	President