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

FIFTH SECTION

DECISION

Application no. 43768/12
Tatyana Nikolayevna FEDOROVA
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 1 March 2016 as a Committee composed of:

André Potocki, *President,*
Ganna Yudkivska,
Síofra O'Leary, *judges,*

and Milan Blaško, *Deputy Section Registrar,*

Having regard to the above application lodged on 13 June 2012,

Having regard to the Court's decision of 3 June 2014,

Having regard to the subsequent submissions of the respondent Government as well as the submissions of the applicant,

Having deliberated, decides as follows:

THE FACTS

The applicant, Ms Tatyana Nikolayevna Fedorova, is a Russian national, who was born in 1954 and lives in St-Petersbourg.

The Ukrainian Government ("the Government") were represented by their Agent, most recently Ms O. Davydchuk.

A. Facts that gave rise to the application

The application raised an issue of excessive duration of the civil proceedings in the applicant's case before the Ukrainian courts which lasted 8 years and 8 months and ended with the final judgment given by the Higher Specialised Court for Civil and Criminal Matters on 9 February 2012, and the lack of an effective domestic remedy in that respect.

B. Proceedings before the Court

On 16 September 2013 the application was communicated to the Government of Ukraine.

On 23 December 2013 the Government made a unilateral declaration, having acknowledged the violations referred to above, and offered to pay the applicant 1,620 euros (EUR) in damages. According to the terms of the declaration:

> "This sum will be converted into the national currency of the respondent State at the rate applicable on the date of payment..."

On 3 June 2014 the Court, having taken note of the terms of the Government's declaration and of the modalities for ensuring compliance with the undertakings referred to therein, decided to strike the application out of its list of cases (see *Fedorova and others v. Ukraine* (dec.), no. 43768/12, 3 June 2014).

On 21 July 2014 the Government invited the applicant to provide the details of her bank account opened in Ukrainian currency in order to have the compensation amount transferred thereto.

In response, on 29 August 2014 the applicant submitted to the Government the details of her bank account opened with the Savings Bank of Russia.

By letter of 5 June 2015 the State Bailiff's Service informed the applicant that the sum of 27 034.07 Ukrainian hryvnias (UAH) (equivalent to EUR 1,620) had been deposited on the special account of the State Bailiff's Service. It further reiterated that the applicant was expected to provide the details of a Ukrainian bank account in order to have the compensation amount transferred in the national currency of Ukraine.

On 25 August 2015 the applicant informed the Court that the case has not been settled. She further requested to restore the application to the Court's list of cases on account of the Government's failure to comply with their undertaking under the unilateral declaration. She insisted that the terms of the declaration did not specify that she was under an obligation to open an account with a Ukrainian bank to have the compensation paid.

On 24 September 2015 the Court informed the Government of the above request and invited them to submit their comments.

On 13 October 2015 the Government informed the Court that the sum allocated to be paid to the applicant in compliance with the Government's obligations under the terms of the unilateral declaration had been transferred back to the State Budget of Ukraine on 5 October 2015 for the applicant's failure to provide the appropriate bank account information.

COMPLAINT

The applicant complained of the failure of the Government to comply with the terms of their unilateral declaration and to pay the compensation envisaged therein. She further requested that the application be restored to the Court's list of cases.

THE LAW

The Court has previously held that should a respondent State fail to comply with the terms of a unilateral declaration in a case which has been struck out, the application may be restored to the Court's list of cases in accordance with Article 37 § 2 of the Convention (see *Ivashchenko v. Ukraine* (dec.), no. 18453/09, 24 November 2015 and *Aleksentseva and 28 Others v. Russia* (dec.), no. 75025/01, ECHR, 23 March 2006).

The Court takes note that, despite the willingness showed by the Government to pay the compensation as provided by the terms of the unilateral declaration, it has not been paid. The applicant, therefore, has received no redress in respect of the violations acknowledged by the Government to have occurred. This was due to an issue related to one of the practical details of the implementation of their unilateral declaration which should not be imputed to the applicant.

In view of the above, the Court considers it justified to disjoin the application from the other applications to which it was joined, to restore the application to the Court's list of cases in accordance with Article 37 § 2 of the Convention and to adjourn the examination of the applicant's complaint.

For these reasons, the Court, unanimously,

Decides to disjoin the application from the other applications to which it was joined;

Decides to restore the application to its list of cases;

Decides to adjourn the examination of the applicant's complaint.

Done in English and notified in writing on 24 March 2016.

Milan Blaško
Deputy Registrar

André Potocki
President