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

FIFTH SECTION

DECISION

Application no. 10305/07
Volodymyr Volodymyrovych GOLOVKO against Ukraine
and 7 other applications
(see list appended)

The European Court of Human Rights (Fifth Section), sitting on 3 June 2014 as a Committee composed of:

Angelika Nußberger, *President,*
Ganna Yudkivska,
André Potocki, *judges,*

and Stephen Phillips, *Deputy Section Registrar,*

Having regard to the above applications lodged on the various dates stated in the annexed table,

Having regard to the declarations submitted by the respondent Government on the various dates stated in the annexed table requesting the Court to strike the applications out of the list of cases and the applicants' replies to those declarations,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

A list of the applicants is set out in the appendix.

The Ukrainian Government ("the Government") were represented by their Agent.

The applicants mainly complained under Article 6 § 1 of the Convention about the length of proceedings.

The applications were communicated to the Government.

THE LAW

1. The applicants complained about the length of the proceedings to which they were parties. They relied on Article 6 § 1 of the Convention.

After the failure of attempts to reach a friendly settlement, by letters sent on various dates (see the annexed table) the Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issue raised by this part of the applications. They further requested the Court to strike out the applications in accordance with Article 37 of the Convention.

The Government acknowledged the excessive duration of consideration of the applicants' cases before the national courts. They offered to pay the applicants the amounts detailed in the annexed table and invited the Court to strike the applications out of the list of cases, as referred to in Article 37 § 1 (c) of the Convention. The sums were to cover any and all pecuniary and non-pecuniary damage as well as costs and expenses. They would be converted into the national currency at the rate applicable on the date of payment, and would be free of any taxes that may be applicable. They were to be payable within three months from the date of notification of the decision taken by the Court. 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 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 will constitute the final resolution of the cases.

By letters dated on various dates listed in the annexed table, the applicants indicated that they were not satisfied with the terms of the unilateral declarations.

The Court recalls 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, under (a), (b) or (c) of paragraph 1 of that Article. Article 37 § 1 (c) enables the Court in particular to strike a case out of its list if:

> "for any other reason established by the Court, it is no longer justified to continue the examination of the applications".

It also recalls that in certain circumstances, it may strike out an application under Article 37 § 1(c) on the basis of a unilateral declaration by a respondent Government even if the applicants wish the examination of the cases to be continued.

To this end, the Court will examine carefully the declaration in the light of the principles emerging from its case-law, in particular the *Tahsin Acar* judgment (*Tahsin Acar v. Turkey*, [GC], no. 26307/95, §§ 75-77,

ECHR 2003-VI); *WAZA Spółka z o.o. v. Poland* (dec.) no. 11602/02, 26 June 2007; and *Sulwińska v. Poland* (dec.) no. 28953/03).

The Court has established in a number of cases, including those brought against Ukraine, its practice concerning complaints about the violation of one's right to a hearing within a reasonable time (see, for example, *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII; *Cocchiarella v. Italy* [GC], no. 64886/01, §§ 69-98, ECHR 2006-V; *Majewski v. Poland*, no. 52690/99, 11 October 2005; and *Pavlyulynets v. Ukraine*, no. 70767/01, §§ 39-52, 6 September 2005).

Having regard to the nature of the admissions contained in the Government's declaration, as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the applications (Article 37 § 1(c)).

Moreover, in light of the above considerations, and in particular given the clear and extensive case-law on the topic, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the applications (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application could be restored to the list in accordance with Article 37 § 2 of the Convention (*Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

2. The applicants also raised complaints under Articles 6, 13 and 17 of the Convention, Article 1 of Protocol No. 1 and Article 3 of Protocol No. 7 to the Convention, relating mainly to the outcome and/or unfairness of the proceedings in which the applicants participated as relevant parties.

The Court has carefully examined the applications listed in the annexed table and considers that, in the light of all the material in its possession, and in so far as the matter complained of is within its competence, these complaints do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols.

It follows that this part of the applications is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court unanimously

Decides to join the applications;

Takes note of the terms of the respondent Government's declarations in so far as they concern the length of proceedings and of the modalities for ensuring compliance with the undertakings referred to therein;

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

Declares the remainder of the applications inadmissible.

Stephen Phillips
Deputy Registrar

Angelika Nußberger
President

APPENDIX

No	Application No	Lodged on	Applicant Date of birth Place of residence Nationality	Date of the Government's Unilateral Declaration	Date of the applicant's letter	Sum awarded
1.	10305/07	15/02/2007	**Volodymyr Volodymyrovych GOLOVKO** 26/02/1961 Dnipropetrovsk Ukrainian	17/10/2012	No reply	2,000 EUR
2.	23064/07	02/04/2007	**Mikhail Adamovich SHMYGIN** 15/07/1948 Shabo Ukrainian **Vera Vasilyevna SHMYGINA** 09/08/1952 Shabo Ukrainian **Natalya Mikhaylovna SHMYGINA** 29/01/1981 Shabo Ukrainian **Vitaliy Mikhaylovich SHMYGIN** 26/02/1982 Shabo Ukrainian	29/11/2012	No reply	1,700 EUR jointly
3.	35955/11	13/05/2011	**Vasyl Ivanovych KASYUN** 10/08/1957 Vinnytsya Ukrainian	07/08/2012	13/11/2013	1,200 EUR
4.	46357/11	19/07/2011	**Polina Semenovna**	25/04/2013	No reply	2,160 EUR

No	Application No	Lodged on	Applicant Date of birth Place of residence Nationality	Date of the Government's Unilateral Declaration	Date of the applicant's letter	Sum awarded
			YAROSHENKO 28/04/1946 Yuvileyne Ukrainian			
5.	70905/11	09/11/2011	**Valentyna Ivanivna MARKOVA** 19/08/1954 Torez Ukrainian	21/08/2012	16/07/2013	2,300 EUR
6.	3904/12	13/12/2011	**Oleksandr Volodymyrovych LOMSKYY** 13/03/1984 Kamyaneche Ukrainian	08/05/2013	No reply	1,080 EUR
7.	8868/12	01/02/2012	**Stanislav Nikolayevich AKSENOV** 09/08/1937 Odessa Ukrainian	21/08/2012	08/12/2012	1,200 EUR
8.	29638/12	09/05/2012	**Volodymyr Leonidovych ANDRUSHKO** 03/12/1977 Zhytomyr Ukrainian	08/05/2013	03/07/2013	450 EUR