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

FIFTH SECTION

DECISION

Application no. 5878/16
Igor Leonidovych GYRYA
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 3 October 2017 as a Committee composed of:

Erik Møse, *President,*
Yonko Grozev,
Gabriele Kucsko-Stadlmayer, *judges,*
and Anne-Marie Dougin, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 19 July 2006,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Igor Leonidovych Gyrya, is a Ukrainian national, who was born in 1975 and lives in Svatove.

The Ukrainian Government ("the Government") were represented by their Agent, Mr Ivan Lishchyna.

The applicant complained under Article 2 of Protocol No. 7 to the Convention that he had had no right to appeal against his conviction.

On 28 May 2016 and 28 September 2016 the Court received friendly settlement declarations signed by the parties 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 him EUR 500 euros to cover any and all pecuniary and non-pecuniary damage as well as costs and expenses, which will be converted into the currency of the respondent State at the rate applicable on the date of payment, and will be free of any taxes that may be applicable. It will 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 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. 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.

Done in English and notified in writing on 26 October 2017.

Anne-Marie Dougin
Acting Deputy Registrar

Erik Møse
President