

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

FIFTH SECTION

DECISION

Application no. 13001/08
Oleg Valentynovych IVANCHENKO against Ukraine
and 3 other applications
(see list appended)

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

Khanlar Hajiyev, *President,*
Faris Vehabović,
Carlo Ranzoni, *judges,*

and Hasan Bakırcı, *Deputy Section Registrar,*

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having regard to the declarations submitted by the respondent Government requesting the Court to strike the applications out of the list of cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants' complaints under Articles 6 § 1 and 13 of the Convention concerning the excessive length of civil proceedings and the lack of any effective remedy in domestic law were communicated to the Ukrainian Government ("the Government").

THE LAW

1. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

After unsuccessful friendly-settlement negotiations, the Government informed the Court that they proposed to make unilateral declarations with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the applications in accordance with Article 37 of the Convention.

The Government acknowledged the excessive length of civil proceedings and the lack of any effective remedy in domestic law. They offered to pay the applicants the amounts detailed in the appended table and invited the Court to strike the applications out of the list of cases in accordance with Article 37 § 1 (c) of the Convention. The amounts would be converted into the currency of the respondent State at the rate applicable on the date of payment, and would be payable within three months from the date of notification of the Court's decision. In the event of failure to pay these amounts within the above-mentioned 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.

The Court has not received a response from the applicants which accepts the terms of the unilateral declaration.

The Court observes that Article 37 § 1 (c) enables it 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".

Thus, it may strike out applications 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 (see the principles emerging from the Court's case-law, and in particular the *Tahsin Acar v. Turkey* (preliminary objections) ([GC], no. 26307/95, §§ 75-77, ECHR 2003-VI)).

The Court has established clear and extensive case-law concerning complaints relating to the excessive length of civil proceedings (see, for example, *Svetlana Naumenko v. Ukraine,* no. 41984/98, 9 November 2004 and *Efimenko v. Ukraine,* no. 55870/00, 18 July 2006).

Noting the admissions contained in the Government's declarations 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)).

In the light of the above considerations, 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 declarations, the applications may be restored to the list in accordance with Article 37 § 2 of the Convention (*Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

In view of the above, it is appropriate to strike the cases out of the list as regards the complaints concerning the excessive length of civil proceedings and the lack of any effective remedy in domestic law.

2. The applicant in application no. 27356/09 also raised other complaints under various articles of the Convention.

The Court has examined the application and considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints do not meet the admissibility criteria set out in Article 35 of the Convention.

It follows that this part of the application must be rejected in accordance with Article 35 § 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 excessive length of civil proceedings and the lack of any effective remedy in domestic law, and of the arrangements for ensuring compliance with the undertakings referred to therein;

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

Declares the remainder of application no. 27356/09 inadmissible.

Done in English and notified in writing on 20 December 2016.

Hasan Bakırcı
Deputy Registrar

Khanlar Hajiyev
President

APPENDIX

List of applications raising complaints under Article 6 § 1 and Article 13 of the Convention
(excessive length of civil proceedings and lack of any effective remedy in domestic law)

No.	Application no. Date of introduction	Applicant name Date of birth	Representative name and location	Date of receipt of Government's declaration	Date of receipt of applicant's comments, if any	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[i]
1.	13001/08 05/03/2008	**Oleg Valentynovych IVANCHENKO** 10/09/1969		13/09/2016	18/10/2016	810
2.	27356/09 26/04/2009	**Lina Petrovna TRESHCHEVA** 28/07/1956		10/10/2016	27/10/2016	810
3.	50052/10 20/08/2010	**Angelina Viktorovna KOSHEL** 25/10/1958		19/09/2016	28/09/2016	2,070
4.	755/11 21/12/2010	**Olga Aleksandrovna KOBYLENKO** 04/07/1971	**Roman Yuryevich Martynovskyy** Kyiv	13/09/2016	18/10/2016	2,160

[i] Plus any tax that may be chargeable to the applicants.