

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

FIFTH SECTION

DECISION

Application no. 18453/09
Olga Maksimovna IVASHCHENKO
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 21 June 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 18 March 2009,

Having regard to the decision to restore the application to its list of cases of 24 November 2015,

Having regard to the declaration submitted by the respondent Government on 22 January 2016 requesting the Court to strike the application out of the list of cases and the applicant's reply to that declaration,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Ms Olga Maksimovna Ivashchenko, is a Ukrainian national, who was born in 1925 and lives in Andreyevo-Ivanovo, Ukraine.

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

The facts and complaints in this case have been summarised in the Court's decision *Ivashchenko v. Ukraine* ((dec.) no. 18453/09, 24 November 2015).

After unsuccessful friendly-settlement negotiations, by letter dated 22 January 2016 the Government informed the Court that they proposed to make a declaration with a view to resolving the issues raised by the application.

> "I, Irena Koval, Acting Government Agent before the European Court of Human Rights, declare that the Government of Ukraine admit the applicant's complaints concerning the non-payment of the just satisfaction under the Court's Decision in the case "Nikolay Dmitriyevich MIKHAYLENKO and 33 other applications against Ukraine" (application no. 24986/06, 14 December 2010) and offer to pay ex gratia to Ms Olga Maksimovna Ivashchenko, in order to solve the issue raised by the above-mentioned case pending before the European Court of Human Rights, 465 (four hundred and sixty five) euros plus simple interest on the above amount at a rate equal to the marginal lending rate of the European Central Bank, plus three percentage points, for the period from 14 March 2011 until the date of settlement, to cover any and all pecuniary and non-pecuniary damage as well as costs and expenses, plus any tax that may be chargeable to the applicant.
>
> This sum will be converted into the national currency of the respondent State at the rate applicable on the date of payment, and 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 undertake 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."

On 4 April 2016, the Court received a letter from the applicant indicating that she agreed to the terms of the Government's declaration.

THE LAW

The Court takes note of the applicant's express agreement to the terms of the declaration made by the Government and considers that the parties have thereby reached friendly settlement. 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 pursuant to Article 39 of the Convention.

Done in English and notified in writing on 12 July 2016.

Milan Blaško
Deputy Registrar

André Potocki
President