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

# FIRST SECTION

# DECISION

Application no. 51623/09
Ryszard OSTRIHANSKY
against Austria

The European Court of Human Rights (First Section), sitting on 1 October 2013 as a Committee composed of:

Mirjana Lazarova Trajkovska, *President,*
Elisabeth Steiner,
Ksenija Turković, *judges,*

and André Wampach, *Deputy Section Registrar,*

Having regard to the above application lodged on 17 September 2009,

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

Having deliberated, decides as follows:

## FACTS AND PROCEDURE

The applicant, Mr Ryszard Ostrihansky, is a Polish national, who was born in 1949 and lives in Warsaw. He was represented before the Court by Mr R. Gabl, a lawyer practising in Linz.

The Austrian Government ("the Government") were represented by their Agent, Ambassador H. Tichy, Head of the International Law Department at the Federal Ministry of European and International Affairs.

The applicant complained under Article 6 of the Convention about the length of his criminal proceedings.

On 14 March 2012 and on 17 July 2013 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against Austria in respect of the facts giving rise to this application against an undertaking by the Government to pay him 16,000 euros to cover any non-pecuniary damage and 1,000 euros to cover costs and expenses, which will be free of any taxes that may be applicable. Those sums 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.

André Wampach
Deputy Registrar

Mirjana Lazarova Trajkovska
President