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

FIFTH SECTION

DECISION

Application no. 3163/11
Pavlo Oleksandrovych PANYCH
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 5 July 2016 as a Committee composed of:

Erik Møse, *President,*
Yonko Grozev,
Mārtiņš Mits, *judges,*
and Milan Blaško, *Deputy Section Registrar,*

Having regard to the above application lodged on 4 January 2011,

Having regard to the declaration submitted by the Government and the comments in reply submitted by the applicant,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Pavlo Oleksandrovych Panych, is a Ukrainian national, who was born in 1975 and lives in Berdychiv. He was represented before the Court by Mr O.V. Levytskyy, a lawyer practising in Kyiv.

The Ukrainian Government ("the Government") were represented by their Acting Agent, Ms I. Koval.

The applicant complained that there was no legal basis for his detention between 28 December 2009 and 1 December 2010 and that his request for a review of the lawfulness of his detention during that period and for his release was not examined speedily. He invoked Article 5 §§ 1 and 4 of the Convention.

On 22 January 2016 the Court received a friendly settlement declaration signed by the Government under which they undertook to pay the applicant 4,000 euros to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which will be converted into the Ukrainian currency at

the rate applicable on the date of payment, and will be free of any taxes that may be applicable to the applicant. This sum 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.

On 1 March 2016 the applicant's counsel, Mr O.V. Levytskyy, informed the Court in a letter that the applicant had accepted the terms of the aforementioned friendly settlement proposal by the Government.

THE LAW

In the light of the above, the Court considers that the matter has been resolved within the meaning of Article 37 § 1 (b) of the Convention and that respect for human rights as defined in the Convention and its Protocols does not require it to continue the examination of the application under Article 37 § 1 *in fine*.

Accordingly, the case should be struck out of the list.

For these reasons, the Court, unanimously,

Decides to strike the application out of its list of cases.

Done in English and notified in writing on 28 July 2016.

Milan Blaško
Deputy Registrar

Erik Møse
President