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

FIFTH SECTION

DECISION

Application no. 27517/08
Sergey Petrovich PASTERNAK against Ukraine
and 2 other applications
(see list appended)

The European Court of Human Rights (Fifth Section), sitting on 3 November 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 formal declarations accepting a friendly settlement of the cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

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

The applicants' complaints under Article 5 § 3 of the Convention concerning the excessive length of pre-trial detention were communicated to the Ukrainian Government ("the Government"). In some of the applications, complaints based on the same facts were also communicated under other provisions of the Convention.

The Court received friendly-settlement declarations under which the applicants agreed to waive any further claims against Ukraine in respect of the facts giving rise to these applications, subject to an undertaking by the Government to pay them the amounts detailed in the appended table. These amounts will be converted into the 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 Court's decision. In the event of

failure to pay these amounts within the above-mentioned three-month period, the Government undertake 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 LAW

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

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 the Protocols thereto and finds no reasons to justify a continued examination of the applications. In view of the above, it is appropriate to strike the cases out of the list.

For these reasons, the Court, unanimously,

Decides to join the applications;

Decides to strike the applications out of its list of cases in accordance with Article 39 of the Convention.

Done in English and notified in writing on 24 November 2016.

Hasan Bakırcı	Khanlar Hajiyev
Deputy Registrar	President

APPENDIX

No.	Application no. Date of introduction	Applicant name Date of birth	Representative name and location	Other complaints under well-established case-law	Date of receipt of Government declaration	Date of receipt of Applicant's declaration	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[i]
1.	27517/08 21/05/2008	**Sergey Petrovich PASTERNAK** 24/04/1978		Art. 5 (4) - excessive length of judicial review of detention - between 17/05/2007 and 24/07/2009, Art. 6 (1) - excessive length of criminal proceedings	29/08/2016	02/03/2016	3,400
2.	37340/08 26/07/2008	**Andrey Grigoryevich ONISHCHENKO** 13/07/1974	**Anastasiya Romanivna Martynovska** Kyiv	Art. 5 (5) - lack of compensation for unlawful arrest or detention, Art. 6 (1) - excessive length of criminal proceedings	29/08/2016	07/04/2016	6,000
3.	11632/11 07/02/2011	**Aleksandr Aleksandrovich MESHCHERYAKOV** 22/05/1964			29/08/2016	07/04/2016	1,700

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