

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

FIFTH SECTION

DECISION

Application no. 73034/14
Ivan Mykhaylovych POGORILYAK against Ukraine
and Lyudmyla Oleksandrivna ZAVOROTNA against Ukraine
(see appended table)

The European Court of Human Rights (Fifth Section), sitting on 17 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 declarations submitted by the respondent Government requesting the Court to strike the applications out of the list of cases, and the applicants' replies to these declarations,

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 criminal proceedings and the lack of any effective remedy in domestic law were communicated to the Ukrainian Government ("the Government"). In application no. 7392/15 complaints based on the same facts were also communicated under other provisions of the Convention.

After unsuccessful friendly-settlement negotiations, the Government submitted declarations with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the applications.

The Government acknowledged the excessive length of criminal proceedings and the lack of any effective remedy in domestic law. In application no. 7392/15 they further acknowledged that the domestic

authorities had violated the applicant's rights guaranteed by other provisions of the Convention. 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 applicants informed the Court that they agreed to the terms of the declarations.

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 finds that, following the applicants' express agreement to the terms of the declaration made by the Government, the cases should be treated as a friendly settlement between the parties.

It therefore 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 the 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 8 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 criminal 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	Other complaints under well-established case-law	Date of receipt of Government's declaration	Date of receipt of applicant's acceptance	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[i]
1.	73034/14 11/11/2014	**Ivan Mykhaylovych POGORILYAK** 30/03/1962	**Volodymyr Vyacheslavovych Navrotskyy** Uzhgorod		12/02/2016	26/04/2016	810
2.	7392/15 31/01/2015	**Lyudmyla Oleksandrivna ZAVOROTNA** 18/06/1954		Prot. 4 Art. 2 (1) - excessive length of obligation not to abscond	11/03/2016	30/05/2016	2,430

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