

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

FIFTH SECTION

DECISION

This version was rectified on 24 March 2016
under Rule 81 of the Rules of Court

Application no. 69256/12
Leonid Ignatovych STRYELKA against Ukraine
and 81 other applications
(see appended table)

The European Court of Human Rights (Fifth Section), sitting on 3 December 2015 as a Committee composed of:

Khanlar Hajiyev, *President,*
André Potocki,
Síofra O'Leary, *judges,*

and Karen Reid, *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,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants and the relevant details of the applications are set out in the appended table[1].

The applicants' complaints under Articles 6 § 1 and 13 of the Convention and Article 1 of Protocol No. 1 concerning the non-enforcement or delayed enforcement of domestic decisions were communicated to the Ukrainian Government ("the Government").

1. Rectified on 24 March 2016 the text was: "The list of applicants is set out in the appended table".

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.

On various dates the Government informed the Court that they proposed to make unilateral declarations with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the applications in accordance with Article 37 of the Convention.

The declarations provided as follows:

> "The Government acknowledge the excessive duration of enforcement of the domestic decisions, listed in the appendix to this unilateral declaration.
>
> The Government are ready to enforce the domestic decisions listed in the appendix which remain enforceable and to pay to each of the applicants the sum of EUR 1,000.
>
> The sum of EUR 1,000 is to cover any pecuniary and non-pecuniary damages as well as costs and expenses, to be converted into the national currency of the respondent State at the rate applicable on the date of settlement. The State will pay the abovementioned sum and enforce the domestic decisions, which remain enforceable, 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 and to enforce the domestic decisions within the said three-month period, the Government undertake to pay simple interest on them 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.
>
> This payment and the enforcement of the above domestic decisions will constitute the final resolution of the cases.
>
> The Government therefore invite the Court to strike the applications out of the list of cases. They suggest that the present declaration might be accepted by the Court as "any other reason" justifying the striking out of the case of the Court's list of cases, as referred to in Article 37 § 1 (c) of the Convention."

The Court has not received a response from the applicants which accepts the terms of the unilateral declaration.

The Court observes that Article 37 § 1 (c) enables it to strike a case out of its list if:

> "for any other reason established by the Court, it is no longer justified to continue the examination of the applications".

Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicants wish the examination of the cases to be continued (see the principles emerging from the Court's case-law, and in particular the *Tahsin Acar v. Turkey* judgment ([GC], no. 26307/95, §§ 75-77, ECHR 2003-VI)).

The Court has established clear and extensive case-law concerning complaints relating to the non-enforcement or delayed enforcement of domestic decisions (see, for example, *Yuriy Nikolayevich Ivanov v. Ukraine*,

nº 40450/04, 15 October 2009; *Tsibulko and Others v. Ukraine* [Committee], no. 65656/11 and 249 other applications, 20 June 2013).

Noting the admissions contained in the Government's declarations as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the applications (Article 37 § 1 (c)).

In the light of the above considerations, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the applications (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declarations, the applications may be restored to the list in accordance with Article 37 § 2 of the Convention (*Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

In view of the above, it is appropriate to strike the cases out of the list as regards the complaints concerning the non-enforcement or delayed enforcement of domestic decisions.

Some applicants also raised other complaints under various articles of the Convention. The Court considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or the Protocols thereto.

It follows that this part of the applications is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Takes note of the terms of the respondent Government's declarations in so far as they concern the non-enforcement or delayed enforcement of domestic decisions, and of the arrangements for ensuring compliance with the undertakings referred to therein;

Decides to strike this part of the applications out of its list of cases in accordance with Article 37 § 1 (c) of the Convention;

Declares the remainder of the applications inadmissible.

Done in English and notified in writing on 7 January 2016.

Karen Reid
Registrar

Khanlar Hajiyev
President

APPENDIX

No	Application No	Lodged on	Applicant Date of birth Place of residence	Domestic decisions[1]	State of enforcement/ the facts indicating that decision is not subject to enforcement (as provided by the Government on 22 February 2016)[2]
1.	69256/12	15/10/2012	**Leonid Ignatovych STRYELKA** 15/07/1949 Zaporizhzhya	Komunarskyy District Court of Zaporizhzhya, 23.12.2010, as amended by Dnipropetrovsk Administrative Court of Appeal, 27.09.2012	Not enforced
2.	1929/13	27/12/2012	**Nina Borysivna YAVORSKA** 22/10/1947 Chernigiv	Novozavodskyy District Court of Chernihiv, 17.06.2009	Not enforced
3.	5430/13	09/01/2013	**Oleksandr Stepanovych REYDA** 08/07/1971 Zaporizhzhya	Dnipropetrovsk Administrative Court of Appeal, 17.01.2012	Not enforced
4.	21207/13	16/03/2013	**Lyudmyla Trofymivna PYVOVAR** 24/12/1956 Ovruch	Ovruch District Court of Zhytomyr Region, 20.10.2010	Not enforced
5.	24091/13	28/03/2013	**Sergiy Ivanovych GAVRYLOVSKYY** 02/01/1961 Gladkovychi	Ovruch District Court of Zhytomyr Region, 23.03.2009	Not enforced
6.	24808/13	03/04/2013	**Yuriy Ivanovych SAKHNO** 23/10/1959 Nizhyn	Nizhyn Town-District Court of Chernihiv Region, 25.06.2011	Not enforced
7.	25765/13	06/04/2013	**Valentyna Grygorivna SAVENKO** 24/12/1956 Zaporizhzhya	Dnipropetrovsk Administrative Court of Appeal, 20.09.2012	Not enforced
8.	31325/13	08/04/2013	**Vasyl Mykolayovych GEYTOTA** 09/01/1961 Kolomyya	Kolomyya Town-District Court of Ivano-Frankivsk Region, 14.09.2010	Not enforced
9.	36646/13	10/05/2013	**Igor Romanovych MAGMET** 20/08/1959 Kolomyya	Kolomyya Town-District Court of Ivano-Frankivsk Region, 21.12.2004	Not enforced
10.	39062/13	08/06/2013	**Galyna Pavlivna CHORNA** 16/03/1960 Ovruch	Ovruch District Court of Zhytomyr Region, 27.10.2010	Not enforced

1. Rectified on 24 March 2016: column added
2. Rectified on 24 March 2016: column added

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11.	44721/13	06/07/2013	**Viktor Adamovych NEDASHKIVSKYY** 21/12/1958 Sloboda	Ovruch District Court of Zhytomyr Region, 04.08.2009	Not enforced
12.	49723/13	26/07/2013	**Nadiya Sergiyivna NEDASHKIVSKA** 09/04/1959 Sloboda	Ovruch District Court of Zhytomyr Region, 20.05.2009	Not enforced
13.	49993/13	01/08/2013	**Vasyl Mykolayovych GORDIYENKO** 15/06/1951 Nedrygayliv	Nedrygayliv District Court of Sumy Region, 09.03.2011	Not enforced
14.	54112/13	08/08/2013	**Pavlo Petrovych LUGYNETS** 21/08/1959 Ovruch	Ovruch District Court of Zhytomyr Region, 02.04.2009	Not enforced
15.	54633/13	21/08/2013	**Sergiy Valentynovych KHRYKOV** 22/07/1957 Chernigiv	Desnyanskyy District Court of Chernihiv, 29.11.2010	Not enforced
16.	55924/13	20/08/2013	**Nataliya Borysivna SAVCHENKO** 01/01/1967 Tarashcha	Tarashcha District Court of Kyiv Region, 03.02.2011	Not enforced
17.	56121/13	20/08/2013	**Olga Ivanivna SEKTYM** 05/10/1952 Tarashcha	Tarashcha District Court of Kyiv Region, 10.12.2009, as amended by the Court of Appeal of Kyiv Region, 12.07.2011	Not enforced
18.	56156/13	12/08/2013	**Nadiya Ivanivna DYACHOK** 01/05/1968 Ratsevo	Chygyryn District Court of Cherkasy Region, 18.12.2009	Not enforced
19.	56569/13	29/08/2013	**Oleksandr Ivanovych MAYURENKO** 07/08/1948 Chernigiv	Novozavodskyy District Court of Chernihiv, 26.01.2010	Not enforced
20.	58171/13	02/09/2013	**Mykhaylo Mykhaylovych KOVALENKO** 01/01/1984 Tarashcha	Tarashcha District Court of Kyiv Region, 19.10.2011	Not enforced
21.	59512/13	10/09/2013	**Oleksandr Oleksandrovych POLISHCHUK** 31/05/1952 Tarashcha	Tarashcha District Court of Kyiv Region, 21.10.2011	Not enforced
22.	60107/13	13/09/2013	**Sergey Anatolyevich MARTYNYUK** 31/01/1963 Kharkiv	Moskovskyy District Court of Kharkiv, 13.07.2010	Not enforced

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23.	62028/13	20/09/2013	**Mykhaylo Leonidovych SYDORENKO** 12/11/1957 Burshtyn	Lviv Administrative Court of Appeal, 16.02.2010	Not enforced
24.	65408/13	07/10/2013	**Lyudmila Ivanovna GOLYUK** 24/05/1962 Kharkiv	Frunzenskyy District Court of Kharkiv, 28.12.2010, as amended by Kharkiv Administrative Court of Appeal, 20.07.2011	Not enforced
25.	66336/13	11/10/2013	**Petro Dmytrovych NYKYTENKO** 16/12/1951 Kuybysheve	Kuybyshevskyy District Court of Zaporizhzhya Region, 09.03.2011	Not enforced
26.	66684/13	15/10/2013	**Volodymyr Vasylyovych KYYAN** 27/03/1952 Lozuvatka	Shpola District Court of Cherkasy Region, 22.08.2011	Not enforced
27.	67804/13	15/10/2013	**Vasyl Vasylyovych LITVISHKO** 06/12/1935 Zaporizhzhya	Komunarskyy District Court of Zaporizhzhya, 30.12.2010, as amended by Dnipropertovsk Administrative Court of Appeal, 28.11.2011	Not enforced
28.	69666/13	18/10/2013	**Sergiy Oleksandrovych KOROBOV** 25/09/1958 Kuybysheve	Kuybyshevskyy District Court of Zaporizhzhya Region, 28.03.2011	Not enforced
29.	70961/13	28/10/2013	**Galyna Stepanivna SYDORENKO** 11/09/1959 Burshtyn	Lviv Administrative Court of Appeal, 06.07.2010	Not enforced
30.	71095/13	05/11/2013	**Vitaliy Yukhymovych BOYKO** 26/01/1941 Gladkovychi	Ovruch District Court of Zhytomyr Region, 01.06.2010	Not enforced
31.	71180/13	04/11/2013	**Valentyna Ivanivna SMYK** 23/09/1960 Nizhyn	1) Nizhyn Town-District Court of Chernihiv Region, 10.11.2010 2) Nizhyn Town-District Court of Chernihiv Region, 07.07.2009, as amended by the Appeal Court of Chernihiv Region, 06.07.2011	Not enforced
32.	72388/13	12/11/2013	**Yanina Ivanivna KOVAL** 10/08/1948 Ovruch	Ovruch District Court of Zhytomyr Region, 26.05.2009	Enforced on 30.12.2014
33.	74054/13	18/11/2013	**Volodymyr Mykolayovych POTAPOV** 22/07/1950 Chernigiv	Novozavodskyy District Court of Chernihiv, 15.09.2011	Not enforced

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34.	77529/13	29/11/2013	**Vasyl Grygorovych KOBYLYNSKYY** 21/05/1951 Zhytomyr	Bohunskyy District Court of Zhytomyr, 10.03.2011	Not enforced
35.	79117/13	02/12/2013	**Vasyl Vasylyovych POPOVYCH** 22/01/1966 Zakrivtsi	Kolomyya Town-District Court of Ivano-Frankivsk Region, 24.12.2010	Not enforced
36.	79156/13	03/12/2013	**Oleksandr Mykolayovych LOS** 27/07/1969 Zhytomyr	Zhytomyr Circuit Administrative Court, 01.06.2009	Not enforced
37.	79203/13	05/12/2013	**Mykola Ivanovych LOMOVYTSKYKH** 18/10/1956 Ovruch	Ovruch District Court of Zhytomyr Region, 24.11.2009	Not enforced
38.	80115/13	07/12/2013	**Mykola Sergiyovych RYABCHENKO** 14/06/1958 Ovruch	Ovruch District Court of Zhytomyr Region, 23.04.2009	Not enforced
39.	80430/13	07/12/2013	**Iryna Volodymyrivna LEVKIVSKA** 10/05/1980 Ovruch	Ovruch District Court of Zhytomyr Region, 13.05.2011	Not enforced
40.	1794/14	20/12/2013	**Tetyana Dmytrivna ROZPUTNYA** 31/03/1947 Tarashcha	Tarashcha District Court of Kyiv Region, 25.01.2011	Not enforced
41.	3130/14	10/12/2013	**Volodymyr Ivanovych KUSHCH** 01/04/1945 Chernigiv	1) Desnyanskyy District Court of Chernihiv, 06.12.2011 2) Desnyanskyy District Court of Chernihiv, 30.05.2011	Not enforced
42.	5344/14	14/01/2014	**Volodymyr Ivanovych MYKHAYLICHENKO** 23/09/1948 Pryluky	Pryluky Town-District Court of Chernihiv Region, 01.10.2009	Not enforced
43.	9139/14	17/01/2014	**Olena Prokopivna PANUKHNYK** 29/07/1955 Ovruch	1) Ovruch District Court of Zhytomyr Region, 05.09.2011 2) Ovruch District Court of Zhytomyr Region, 18.07.2011	Not enforced
44.	12712/14	27/01/2014	**Anatoliy Vasylyovych MAZHUGA** 14/11/1962 Pryluky	Pryluky Town-District Court of Chernihiv Region, 18.10.2011	Not enforced
45.	13559/14	28/01/2014	**Ivan Ivanovych KARPUSHA** 14/06/1964 Ladan	Pryluky Town-District Court of Chernihiv Region, 23.09.2011	Not enforced

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46.	14258/14	26/12/2013	**Lidiya Mykolayivna KOVALYOVA** 21/12/1938 Zaporizhzhya	Komunarskyy District Court of Zaporizhzhya, 13.09.2011	Not enforced
47.	15247/14	14/05/2014	**Vyacheslav Ivanovych NECHAY** 28/10/1949 Tarashcha	Tarashcha District Court of Kyiv Region, 18.02.2011	Not enforced
48.	15279/14	18/04/2014	**Nina Prokopivna NECHAY** 25/12/1951 Tarashcha	Tarashcha District Court of Kyiv Region, 16.03.2011	Not enforced
49.	16212/14	12/02/2014	**Valentyna Mykolayivna ZAVADTSKA** 22/09/1962 Ovruch	Ovruch District Court of Zhytomyr Region, 22.06.2009	Enforced on 27.02.2015
50.	16269/14	25/12/2013	**Mykola Ivanovych BERSENYOV** 14/08/1947 Zaporizhzhya	Dnipropetrovsk Administrative Court of Appeal, 30.08.2012	Not enforced
51.	16463/14	19/02/2014	**Ganna Ivanivna DYOMINA** 12/04/1950 Ovruch	Ovruch District Court of Zhytomyr Region, 23.06.2009	Not enforced
52.	17217/14	19/02/2014	**Lyudmyla Ivanivna LAVNYK** 08/06/1978 Ovruch	Ovruch District Court of Zhytomyr Region, 18.08.2010	Not enforced
53.	17806/14	08/02/2014	**Sergiy Mykolayovych SERDYUCHENKO** 10/08/1955 Bogdanivka	Pryluky Town-District Court of Chernihiv Region, 01.08.2011	Not enforced
54.	18101/14	20/02/2014	**Larysa Mykhaylivna SHVAB** 28/07/1973 Ovruch	Ovruch District Court of Zhytomyr Region, 15.09.2010	Not enforced
55.	20540/14	24/02/2014	**Nina Oleksiyivna LEBEDYEVA** 07/02/1950 Tulchyn	Tulchyn District Court of Vinnytsya Region, 31.08.2011	Not enforced
56.	21860/14	07/03/2014	**Mariya Sergiyivna KOMARENKO** 06/10/1938 Zaporizzya	Komunarskyy District Court of Zaporizhzhya, 24.02.2011	Not enforced
57.	28154/14	16/06/2014	**Vadym Leonidovych TSARYK** 08/12/1977 Tarashcha	Tarashcha District Court of Kyiv Region, 01.03.2011	Not enforced

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58.	28386/14	23/06/2014	**Vira Grygorivna UKHATA** 28/11/1959 Tarashcha	Tarashcha District Court of Kyiv Region, 19.07.2011	Not enforced
59.	30039/14	03/04/2014	**Petro Ivanovych DEMYDCHUK** 26/07/1948 Poliske	Ovruch District Court of Zhytomyr Region, 20.07.2011	Not enforced
60.	30936/14	04/07/2014	**Zoya Mykolayivna FRANCHUK** 24/09/1948 Tarashcha	Tarashcha District Court of Kyiv Region, 09.03.2011	Not enforced
61.	30948/14	02/07/2014	**Olena Grygorivna BILOUS** 01/01/1956 Tarashcha	Tarashcha District Court of Kyiv Region, 27.12.2011	Not enforced
62.	31073/14	08/07/2014	**Mariya Zakharivna LUKYANKO** 01/01/1947 Tarashcha	Tarashcha District Court of Kyiv Region, 24.01.2011, as amended by Kyiv Administrative Court of Appeal, 10.04.2012	Not enforced
63.	32404/14	08/07/2014	**Zinayida Vasylivna OSADCHA** 16/03/1971 Tarashcha	Tarashcha District Court of Kyiv Region, 19.08.2010	Not enforced
64.	32462/14	11/07/2014	**Pavlina Ivanivna VOZNA** 01/11/1953 Luka	Tarashcha District Court of Kyiv Region, 01.12.2010	Not enforced
65.	32903/14	16/07/2014	**Ganna Kuzmivna GRYGORENKO** 06/05/1929 Kivshovata	Tarashcha District Court of Kyiv Region, 27.12.2010	Not enforced
66.	38577/14	21/10/2014	**Sergiy Ivanovych BOYKO** 01/02/1941 Tarashcha	Tarashcha District Court of Kyiv Region, 26.05.2011	Not enforced
67.	39291/14	11/09/2014	**Sava Mykhaylovych SUKHOMLYN** 17/12/1967 Kruti Gorby	Tarashcha District Court of Kyiv Region, 17.02.2011	Not enforced
68.	40879/14	15/10/2014	**Lyubov Stepanivna KARPAN** 05/04/1947 Tarashcha	Tarashcha District Court of Kyiv Region, 07.03.2011	Not enforced
69.	48662/14	24/06/2014	**Liliya Ivanivna YAKYMYSHYN** 29/06/1960 Chortkiv	Chortkiv District Court of Ternopil Region, 01.04.2011	Not enforced
70.	48665/14	27/06/2014	**Volodymyr Mykhaylovych MAKAROV** 25/01/1949 Chortkiv	Chortkiv District Court of Ternopil Region, 19.04.2011	Not enforced

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71.	48681/14	27/05/2014	**Petro Mykolayovych LISHCHYNSKYY** 10/07/1935 Kolyndyany	Chortkiv District Court of Ternopil Region, 21.09.2010	Not enforced
72.	48689/14	27/06/2014	**Fedir Makarovych GLUKH** 02/03/1937 Kolyndyany	Chortkiv District Court of Ternopil Region, 28.09.2010, as amended by the Court of Appeal of Ternopil Region, 26.05.2011	Not enforced
73.	50238/14	04/07/2014	**Pavlina Vasylivna KUCHERKO** 26/05/1941 Chortkiv	Lviv Administrative Court of Appeal, 01.03.2012	Not enforced
74.	50242/14	04/07/2014	**Galyna Yulianivna PUSHKARENKO** 05/03/1952 Chortkiv	Chortkiv District Court of Ternopil Region, 27.04. 2011	Not enforced
75.	50262/14	04/07/2014	**Mykhaylo Petrovych PUSHKARENKO** 16/06/1948 Chortkiv	Chortkiv District Court of Ternopil Region, 27.04.2011	Not enforced
76.	60068/14	28/08/2014	**Svitlana Oleksandrivna PINCHUK** 14/10/1972 Ovruch	Ovruch District Court of Zhytomyr Region, 21.09.2009	Not enforced
77.	61088/14	11/10/2014	**Iryna Zhytoslavivna NAPORA** 18/06/1976 Yezupil	Tysmenytsya District Court of Ivano-Frankivsk Region, 30.09.2009	Not enforced
78.	62466/14	04/11/2014	**Oleksandr Rodionovych DUDCHYK** 02/12/1962 Zaporizhzhya	Komunarskyy District Court of Zaporizhzhya, 26.09.2011	Not enforced
79.	63306/14	08/09/2014	**Valentyna Vasylivna NEDZYALKIVSKA** 12/04/1951 Radchytsi	Ovruch District Court of Zhytomyr Region, 27.05.2009	Not enforced
80.	72895/14	07/11/2014	**Mykhaylo Viktorovych PARSHOVETS** 02/01/1990 Ovruch	Ovruch District Court of Zhytomyr Region, 04.03.2010	Not enforced
81.	72948/14	07/11/2014	**Volodymyr Oleksandrovych SHATYLO** 20/01/1942 Ovruch	Ovruch District Court of Zhytomyr Region, 20.10.2009	Not enforced
82.	74469/14	20/11/2014	**Olga Lukashivna BILOTSKA** 20/02/1941 Krasylivka	Ovruch District Court of Zhytomyr Region, 17.05.2011	Not enforced