

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

FIFTH SECTION

DECISION

Application no. 21617/10
Libor TYKVA
against the Czech Republic

The European Court of Human Rights (Fifth Section), sitting on 19 June 2012 as a Committee composed of:

Mark Villiger, *President,*
Karel Jungwiert,
André Potocki, *judges,*
and Stephen Phillips, *Deputy Section Registrar,*

Having regard to the above application lodged on 15 March 2010,

Having regard to the partial decision of 4 October 2011,

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

Having deliberated, decides as follows:

PROCEDURE

The applicant, Mr Libor Tykva, is a Czech national, who was born in 1965 and lives in Česká Lípa.

The Czech Government ("the Government") were represented by their Agent, Mr V. A. Schorm, of the Ministry of Justice.

The applicant complained under Article 6 of the Convention that he had been denied access to the Constitutional Court.

On 27 December 2011 and 11 April 2012 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against the Czech Republic in respect of the facts giving rise to this application against an undertaking by the

Government to pay him 4,500 euros to cover any damage as well as costs and expenses, which would be converted into Czech korunas at the rate applicable on the date of payment, and will be free of any taxes that may be applicable. It will be payable 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 within the said three-month period, the Government undertook to pay simple interest on it, 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. 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 (Article 37 § 1 *in fine* of the Convention).

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.

Stephen Phillips
Deputy Registrar

Mark Villiger
President