

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

FIRST SECTION

DECISION

Application no. 38845/05
by Sergey Viktorovich VIT
against Russia

The European Court of Human Rights (First Section), sitting on 5 July 2011 as a Chamber composed of:

Nina Vajić, *President,*
Anatoly Kovler,
Elisabeth Steiner,
Khanlar Hajiyev,
George Nicolaou,
Mirjana Lazarova Trajkovska,
Julia Laffranque, *judges,*

and Søren Nielsen, *Section Registrar,*

Having regard to the above application lodged on 13 October 2005,

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

Having deliberated, decides as follows:

PROCEDURE

The applicant, Mr Sergey Viktorovich Vit, is a Russian national who was born in 1970 and lives in St Petersburg. He was represented before the Court by Ms E. Kulikova, a lawyer practising in St Petersburg. The Russian Government ("the Government") were represented by Mr G. Matyushkin, Representative of the Russian Federation at the European Court of Human Rights.

COUNCIL OF EUROPE CONSEIL DE L'EUROPE

The applicant complained under Article 5 § 1 (c) of the Convention that his detention after 21 October 2004 had been unlawful and that the Leningrad Regional Court in its decision of 28 December 2004 had not set a specific time-limit for him to remain in custody. He also claimed under Article 5 § 3 that his continued pre-trial detention was excessively long.

On 8 December 2010 and 4 April 2011 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against Russia in respect of the facts giving rise to this application against an undertaking by the Government to pay him 11,000 euros to cover any pecuniary and non-pecuniary damage, as well as costs and expenses, which would be free of any taxes that may be applicable and would 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. 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.

Søren Nielsen
Registrar

Nina Vajić
President