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

THIRD SECTION

DECISION

Application no. 54549/08
Vitaliy Stepanovich ZBORSHCHIK
against Russia

The European Court of Human Rights (Third Section), sitting on 3 November 2016 as a Committee composed of:

Helen Keller, *President,*
Pere Pastor Vilanova,
Alena Poláčková, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 20 October 2008,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Vitaliy Stepanovich Zborshchik, is a Russian national, who was born in 1970 and is detained in St Petersburg. He was represented before the Court by Mr K.S. Kuzminykh, a lawyer practising in St Petersburg.

The Russian Government ("the Government") were represented by Mr G. Matyushkin, the Representative of the Russian Federation at the European Court of Human Rights.

The applicant complained under Article 5 §§ 1 and 3 of the Convention that the length of his detention exceeded the maximum detention period set by the national law.

On 6 May 2016 and 3 June 2016 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

7,500 euros (EUR) to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which will be converted into Russian roubles 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. 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 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 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. 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 in accordance with Article 39 of the Convention.

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

Fatoş Aracı
Deputy Registrar

Helen Keller
President