



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

## FIFTH SECTION

### DECISION

Application no. 65656/12  
Yuliya Volodymyrivna TYMOSHENKO  
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 2 and 16 December 2014 as a Chamber composed of:

Mark Villiger, *President*,

Angelika Nußberger,

Ganna Yudkivska,

Vincent A. De Gaetano,

André Potocki,

Helena Jäderblom,

Aleš Pejchal, *judges*,

and Claudia Westerdiek, *Section Registrar*,

Having regard to the above application lodged on 10 August 2011,

Having regard to the declaration submitted by the respondent Government on 7 May 2014 requesting the Court to strike the application out of the list of cases and the applicant's reply to that declaration,

Having deliberated, decides as follows:

## FACTS AND PROCEDURE

The applicant, Ms Yuliya Volodymyrivna Tymoshenko, is a Ukrainian national, who was born in 1960 and lives in Kyiv. She was represented before the Court by Mr S. Vlasenko, a lawyer practising in Kyiv.

The Ukrainian Government ("the Government") were represented by their then Agent, Mr N. Kulchytskyy.

The applicant raised several complaints under Articles 6, 7 and 13 of the Convention. She also complained, under Article 18 of the Convention, that the criminal case against her had been politically inspired and constituted an abuse of the criminal system of justice. Furthermore, the case raised also a

number of issues under Articles 3 and 8, Article 10 taken in conjunction with Article 18 of the Convention and under Article 4 of Protocol No. 7.

On 10 June 2013 the application was communicated to the Government.

After unsuccessful friendly-settlement negotiations, by letter dated 7 May 2014, the Government informed the Court that they proposed to make a declaration with a view to resolving the issues raised by the application.

The Government, admitting that the criminal prosecution against the applicant had been politically motivated, acknowledged a violation of the applicant's rights guaranteed by Articles 3, 6, 7, 8 and 13 in connection with Article 8 of the Convention, Article 18 in connection with Articles 6, 8 and 10 of the Convention, and Article 4 of Protocol No. 7. They further informed the Court about various measures taken as a consequence of the violations which they admitted that had occurred in the applicant's case. The Government finally requested the Court to strike out the application.

On 10 June 2014, the Court received a letter from the applicant informing the Court that she had agreed to the terms of the Government's declaration.

## THE LAW

The Court notes that the applicant expressed agreement to the terms of the declaration made by the Government and finds that her agreement can be considered as an implied friendly settlement between the parties.

The Court 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 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 pursuant to Article 39 of the Convention.

Claudia Westerdiek  
Registrar

Mark Villiger  
President