



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

FIFTH SECTION

DECISION

Application no. 40619/12  
M.D.  
against Ireland

The European Court of Human Rights (Fifth Section), sitting on 11 June 2013 as a Committee composed of:

Boštjan M. Zupančič, *President*,  
Angelika Nußberger,  
Helena Jäderblom, *judges*,

and Stephen Phillips, *Deputy Section Registrar*,

Having regard to the above application lodged on 21 June 2012,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant is an Irish national born in 1955 and she lives in Dublin.

The Irish Government ("the Government") were represented by their Agent, Mr P. White, of the Department of Foreign Affairs.

The applicant mainly complained under Articles 6 and 13 about the length of judicial separation proceedings and about the lack of an effective remedy in that regard. She made other complaints about the conduct of those proceedings under Articles 6, 8, 12 and 14 as well as under Article 1 of Protocol No. 1 and Article 5 of Protocol No. 7 to the Convention.

Further to unsuccessful friendly settlement negotiations, on 6 February 2013 the Court received a unilateral declaration from the Government in which the Government acknowledged that the issues raised in the present

application were the subject of well-established case-law of the Court (*McFarlane v. Ireland* [GC], no. 31333/06, 10 September 2010) and that the length of the proceedings and the lack of an effective remedy in that regard were incompatible with Articles 6 and 13 of the Convention. Accordingly, if the Court would strike the application from its list, the Government accepted to pay the applicant 6,500 euros to cover any pecuniary and non-pecuniary damage as well as costs and expenses. The Government would pay the sum within three months of the date of notification of the relevant decision of the Court and any failure to do so would result in the Government paying simple interest on the sum, 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 Government added that the payment would constitute the final resolution of the case.

By letter 24 April 2013 the applicant agreed that her application could be struck out on those terms.

## THE LAW

The Court finds that, following the applicant's agreement to the terms of the Government's declaration, the case should be treated as a friendly settlement between the parties. The Court takes note therefore of that 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.

Stephen Phillips  
Deputy Registrar

Boštjan M. Zupančič  
President