



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

FIRST SECTION

CASE OF GAYDUKOV v. RUSSIA

(Application no. 75038/01)

JUDGMENT
(Striking out)

STRASBOURG

12 April 2007

FINAL

12/07/2007

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Gaydukov v. Russia,

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

Mr L. LOUCAIDES, *President*,

Mr A. KOVLER,

Mrs E. STEINER,

Mr K. HAJIYEV,

Mr D. SPIELMANN,

Mr S.E. JEBENS,

Mr G. MALINVERNI, *judges*,

and Mr S. NIELSEN, *Section Registrar*,

Having deliberated in private on 22 March 2007,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application (no. 75038/01) against the Russian Federation lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Russian national, Mr Stepan Vladimirovich Gaydukov, on 25 July 2001.

2. The Russian Government (“the Government”) were represented by Mr P. Laptev, Representative of the Russian Federation at the European Court of Human Rights.

3. The applicant alleged, in particular, a violation of Article 6 of the Convention and Article 1 of Protocol No. 1 in that the judgment in his favour had not been enforced in good time.

4. By a decision of 23 March 2006, the Court declared the application admissible and also joined it with other applications concerning the same matter (nos. 75025/01, 75026/01, and others).

5. The applicant and the Government each filed observations on the merits (Rule 59 § 1).

THE FACTS

THE CIRCUMSTANCES OF THE CASE

6. The applicant was born in 1946 and lives in the Rostov Region.

7. On 30 April 1999 the applicant obtained a judgment of the Shakhty Town Court of the Rostov Region by which social-security authorities were to pay him a certain amount in respect of previously unpaid emoluments.

8. In 2002, the applicant received the amount due under the judgment.

9. On 7 December 2006 the applicant and the Shakhty Department of Labour and Social Development entered into a friendly settlement, according to which the Department was to pay the applicant compensation of 3,000 euros ("EUR") for the delay in enforcement of the above judgment. In exchange, the applicant was to abandon his claims relating to untimely payments. On the same date the Sovetskiy District Court of Rostov-on-Don approved the settlement.

10. On 19 December 2006 the District Court's judgment became final.

11. By letter of 28 December 2006, the applicant informed the Court that the terms of the settlement had been implemented and that he did not wish to pursue proceedings before the Court.

THE LAW

12. The Court notes that the applicant's grievances stemmed from the fact that a judgment in his favour had not been enforced in good time. It appears, however, that in 2002 the amount due under the judgment was paid to the applicant and that in 2006 he also received compensation for the non-pecuniary damage incurred through the belated enforcement.

13. The Court recalls Article 37 of the Convention which, in so far as relevant, provides as follows:

"The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that

...

(b) the matter has been resolved;

...

However, the Court shall continue the examination of the application if respect for human rights as defined in the Convention and the Protocols thereto so requires."

14. The Court notes that the parties reached a settlement at domestic level. The amount stipulated therein was reasonable as to quantum and it was paid to the applicant without undue delay. In these circumstances, the Court considers that the matter was resolved at the domestic level (see *Sarkisyan v. Russia* (dec.), no. 20812/03, 2 March 2006).

15. Furthermore, the Court is satisfied that respect for human rights as defined in the Convention and its Protocols does not require it at present to continue the examination of the application (Article 37 § 1 *in fine*).

16. Accordingly, the application should be disjoined and the case struck out of the list in accordance with Article 37 § 1 (b) of the Convention.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Decides* to disjoin the application;
2. *Decides* to strike the case out of the list.

Done in English, and notified in writing on 12 April 2007, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Søren NIELSEN
Registrar

Loukis LOUCAIDES
President