CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

SECOND SECTION

DECISION

Application no. 18361/03
by Volodymyr Mykolayovych ANTONOV and Others (25 applicants)
against Ukraine

The European Court of Human Rights (Second Section), sitting on 19 October 2004 as a Chamber composed of:

Mr J.-P. COSTA, *President*,
Mr L. LOUCAIDES,
Mr C. BÎRSAN,
Mr K. JUNGWIERT,
Mr V. BUTKEVYCH,
Mrs W. THOMASSEN,
Mrs A. MULARONI, *judges*,

and Mr T.L. EARLY, *Deputy Section Registrar.*

Having regard to the above application introduced on 17 April 2003,

Having regard to the decision of 6 November 2003 to communicate the application and to apply Article 29 § 3 of the Convention with to a view to a joint examination of admissibility and merits,

Having regard to the observations submitted by the respondent Government,

Having deliberated, decides as follows:

THE FACTS

The applicants' details are:

- the first applicant, Volodymyr Mykolayovych Antonov, born in 1948;
- the second applicant, Vira Ivanivna Akopian, born in 1958;
- the third applicant, Volodymyr Vasylyovych Batrak, born in 1944;
- the fourth applicant, Kateryna Ivanivna Burda, born in 1955;

- the fifth applicant, Valeriy Mykolayovych Vischuk, born in 1943;
- the sixth applicant, Sergiy Anatoliyovych Galyonkin, born in 1961;
- the seventh applicant, Stepan Vasylyovych Gladiy, born in 1964;
- the eighth applicant, Eduard Volodymyrovych Davydenko, born in 1966;
- the ninth applicant, Liliya Mykolayivna Denysenko, born in 1963;
- the tenth applicant, Oleksandr Volodymyrovych Kasminin, born in 1966:
- the eleventh applicant, Larysa Ivanivna Kopytko, born in 1954;
- the twelfth applicant, Oleksiy Vasylyovych Landar, born in 1958;
- the thirteenth applicant, Nina Vasylivna Mironenko, born in 1935;
- the fourteenth applicant, Valentyna Andriyivna Novokhatnia, born in 1951;
- the fifteenth applicant, Lyudmyla Mykolayivna Omelchenko, born in 1966;
- the sixteenth applicant, Natalia Fedorivna Orlova, born in 1955;
- the seventeenth applicant, Volodymyr Pavlovych Pavlenko, born in 1946;
- the eighteenth applicant, Rayisa Tymofiyivna Rokytenko, born in 1939;
- the nineteenth applicant, Oleksandr Yevgeniyovych Sliepukha, born in 1951;
- the twentieth applicant, Fedir Fedorovych Sokolenko, born in 1958;
- the twenty-first applicant, Yuri Petrovych Taranenko, born in 1951;
- the twenty-second applicant, Liudmyla Anatoliyivna Tumchuk, born in 1946;
- the twenty-third applicant, Larysa Grygoriyivna Khrypchenko, born in 1947;
- the twenty-fourth applicant, Valentyna Anatoliyivna Shabovska, born in 1958; and
- the twenty-fifth applicant, Lyudmyla Antonivna Yurenko, born in 1949.

The applicants are all Ukrainian nationals. They are all judges of the Poltava Regional Court of Appeal and reside in Poltava.

The facts of the case, as submitted by the applicants, may be summarised as follows.

In December 2001 the applicants lodged complaints with the Pechersky District Court of Kyiv against the Ministry of Finance and the State Treasury, seeking the recovery of salary arrears, life-time judicial benefits and compensation for the delay in their payment.

On 11 December 2001 the Pechersky District Court of Kyiv allowed the applicants' claims. It also ordered the Ministry of Finance and the State Treasury to pay the applicants' the following sums (in UAH):

No.	Name	Amount awarded
1.	Volodymyr Mykolayovych Antonov	3,600
2.	Vira Ivanivna Akopian	3,670
3.	Volodymyr Vasylyovych Batrak	5,434
4.	Kateryna Ivanivna Burda	5,057
5.	Valeriy Mykolayovych Vischuk	5,182
6.	Sergiy Anatoliyovych Galyonkin	4,765
7.	Stepan Vasylyovych Gladiy	4,470
8.	Eduard Volodymyrovych Davydenko	5,247
9.	Liliya Mykolayivna Denysenko	4,958
10.	Oleksandr Volodymyrovych Kasminin	6,524
11.	Larysa Ivanivna Kopytko	5,057
12.	Oleksiy Vasylyovych Landar	4,162
13.	Nina Vasylivna Mironenko	2,916
14.	Valentyna Andriyivna Novokhatnia	4,301
15.	Lyudmyla Mykolayivna Omelchenko	4,623
16.	Natalia Fedorivna Orlova	3,825
17.	Volodymyr Pavlovych Pavlenko	4,479
18.	Rayisa Tymofiyivna Rokytenko	4,472
19.	Oleksandr Yevgeniyovych Sliepukha	5,282
20.	Fedir Fedorovych Sokolenko	5,099
21.	Yuri Petrovych Taranenko	4,800
22.	Liudmyla Anatoliyivna Tymchuk	4,508
23.	Larysa Grygoriyivna Khrypchenko	5,649
24.	Valentyna Anatoliyivna Shabovska	3,959
25.	Lyudmyla Antonivna Yurenko	4,701

On 26 February 2002 the Kyiv City Court of Appeal upheld this judgment in respect of the award of salary arrears to the applicants. It also remitted the case for fresh consideration in respect of the compensation for judicial benefits (medical treatment benefits). It therefore awarded the applicants the following lower sums:

No.	Name	Amount awarded
1.	Volodymyr Mykolayovych Antonov	2,069
2.	Vira Ivanivna Akopian	2,139
3.	Volodymyr Vasylyovych Batrak	3,384
4.	Kateryna Ivanivna Burda	3,007
5.	Valeriy Mykolayovych Vischyk	3,132
6.	Sergiy Anatoliyovych Galyonkin	2,105
7.	Stepan Vasylyovych Gladiy	2,329

8.	Eduard Volodymyrovych Davydenko	2,587
9.	Liliya Mykolayivna Denysenko	2,908
10.	Oleksandr Volodymyrovych Kasminin	3,864
11.	Larysa Ivanivna Kopytko	2,966
12.	Oleksiy Vasylyovych Landar	2,112
13.	Nina Vasylivna Mironenko	2,916
14.	Valentyna Andriyivna Novokhatnia	3,157
15.	Lyudmyla Mykolayivna Omelchenko	1,904
16.	Natalia Fedorivna Orlova	2,294
17.	Volodymyr Pavlovych Pavlenko	2,429
18.	Rayisa Tymofiyivna Rokytenko	4,070
19.	Oleksandr Yevgeniyovych Sliepukha	3,195
20.	Fedir Fedorovych Sokolenko	2,965
21.	Yuri Petrovych Taranenko	3,269
22.	Liudmyla Anatoliyivna Tymchuk	1,848
23.	Larysa Grygoriyivna Khrypchenko	2,989
24.	Valentyna Anatoliyivna Shabovska	2,428
25.	Lyudmyla Antonivna Yurenko	2,041

In April 2002 the writs of execution were transferred to the Pechersky District Execution Service where the execution proceedings had commenced.

On 28 April 2003 the applicants informed the Court that the judgment given in their favour had not yet been enforced.

On 26 February 2004 the applicants received in full from the State Judicial Administration of Ukraine (the State body responsible for the financing of the courts) the sums awarded to them by the judgment of the Pechersky District Court of Kyiv on 11 December 2001, as amended by the ruling of the Kyiv City Court of Appeal of 26 February 2002.

On 2 April 2004 the applicants informed the Court that they no longer intend to pursue their application.

COMPLAINTS

The applicants complain about the non-execution of the judgment of the Pechersky District Court of Kyiv of 11 December 2001. The applicants rely on Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to the Convention.

THE LAW

Notice of the application was given to the Government which submitted their observations on the admissibility and merits of the applicants' complaints on 6 November 2003. On 31 March 2004 the Government informed the Court that the applicants' complaints had been resolved at the domestic level. On 2 April 2004 the applicants requested the Court to strike the application out of the list of cases as the matter had been resolved at the domestic level and the State Judicial Administration had paid the sums awarded to them by the judgment of 11 December 2001.

Having regard to Article 37 § 1 (a) of the Convention, the Court concludes that the applicants do not intend to pursue their application. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the examination of this application to be continued. Accordingly, the application of Article 29 § 3 of the Convention to the case should also be discontinued.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases.

T.L. EARLY
Deputy Registrar

J.-P. COSTA
President