CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

SECOND SECTION

DECISION

Application no. 43077/02
by Oleg Aleksandrovich ARTAMONOV and Others (37 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 12 November 2002,

Having regard to the decision of 6 November 2003 to communicate the application and to apply Article 29 § 3 of the Convention with a view to the 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, Oleg Aleksandrovich Artamonov, born in 1950;
- the second applicant, Nikolay Filipovich Bogdanov, born in 1936;
- the third applicant, Anatoliy Nikolayevich Burlaka, born in 1938;

- the fourth applicant, Ivan Ivanovich Vyshnevsky, born in 1946;
- the fifth applicant, Aleksand Nikolayevich Galatin, born in 1951;
- the sixth applicant, Genadiy Grigoryevich Goncharov, born in 1949;
- the seventh applicant, Mikhail Petrovich Gorshkov, born in 1995;
- the eighth applicant, Genadiy Anatoliyevich Grishin, born in 1963;
- the ninth applicant, Aleksandr Dmitriyevich Dyrdin, born in 1952;
- the tenth applicant, Aleksandr Vlasovich Demyanosov, born in 1956;
- the eleventh applicant, Valentina Nikolayevna Demich, born in 1939;
- the twelfth applicant, Yelena Ivanovna Yegorova, born in 1950;
- the thirteenth applicant, Valentina Vasilyevna Yestenina, born in 1957;
- the fourteenth applicant, Anatoliy Ivanovich Kozodub, born in 1951;
- the fifteenth applicant, Ivan Ivanovich Korchisty, born in 1953;
- the sixteenth applicant, Viktor Fomich Kochko, born in 1935;
- the seventeenth applicant, Aleksandr Petrovich Kotysh, born in 1952;
- the eighteenth applicant, Viktoria Genrikhovna Kulagina, born in 1956;
- the nineteenth applicant, Aleksandr Aleksandrovich Lisovoy, born in 1960;
- the twentieth applicant, Valentin Ustimovich Maslo, born in 1946;
- the twenty-first applicant, Nikolay Ivanovich Mishin, born in 1952;
- the twenty-second applicant, Viktor Ivanovich Myznikov, born in 1952;
- the twenty-third applicant, Nikolay Andreyevich Moroz, born in 1955;
- the twenty-fourth applicant, Sergey Lazarevich Muzykant, born in 1963;
- the twenty-fifth applicant, Viktoria Anatoliyevna Nazarenko, born in 1953;
- the twenty-sixth applicant, Galina Ivanovna Nekrasova, born in 1943;
- the twenty-seventh applicant, Vasiliy Petrovich Oguretskiy, born in 1958;
- the twenty-eighth applicant, Leonid Aleksandrovich Opria, born in 1957;
- the twenty- ninth applicant, Nikolay Vasilyevich Osoyan, born in 1954;
- the thirtieth applicant, Vladimir Yakovlevich Pashkov, born in 194;
- the thirty-first applicant, Boris Aleksandrovich Polovinkin, born in 1956;
- the thirty-second applicant, Leonid Petrovich Rzhemovskiy, born in 1952;
- the thirty-third applicant, Anatoliy Ivanovich Samoylenko, born in 1955;
- the thirty-fourth applicant, Andrey Viktorovich Sedykh, born in 1966;
- the thirty-fifth applicant, Sergei Aleksandrovich Sigidin, born in 1952;
- the thirty-sixth applicant, Aleksandr Vladimirovich Fomenko, born in 1958; and
- the thirty-seventh applicant, Aleksandr Maskimovich Chepur, born in 1956.

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

The facts of the case, as submitted by the parties, 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 payment of salary arrears, life-time judicial benefits and compensation for delay in their payment.

On 31 January 2002 the Pechersky District Court of Kyiv allowed the applicants' claims. It also ordered the Ministry of Finance and the State Treasury of Ukraine to pay the applicants' the following sums (in UAH[1]):

No.	Name	UAH
1.	Oleg Aleksandrovich Artamonov	8,676.57
2.	Nikolay Filipovich Bogdanov	12,414.55
3.	Anatoliy Nikolayevich Burlaka	13,321.47
4.	Ivan Ivanovich Vyshnyvetsky	10,773.97
5.	Aleksand Nikolayevich Galatin	9,062.02
6.	Genadiy Grigoryevich Goncharov	9,092.98
7.	Mikhail Petrovich Goroshkov	9,879.26
8.	Genadiy Anatoliyevich Grishin	5,681.69
9.	Aleksandr Dmitriyevich Dyrdin	10,234.52
10.	Aleksandr Vlasovich Demyanosov	6,525.72
11.	Valentina Nikolayevna Demich	10,896.93
12.	Yelena Ivanovna Yegorova	5,950.36
13	Valentina Vasilyevna Yestenina	9,156.7
14.	Anatoliy Ivanovich Kozodub	10,149.48
15.	Ivan Ivanovich Korchisty	10,295.38
16.	Viktor Fomich Kochko	9,306.34
17.	Aleksandr Petrovich Kotysh	6,480.18
18.	Viktoria Genrikhovna Kulagina	6,332.66
19.	Aleksandr Aleksandrovich Lisovoy	5,739.23
20.	Valentin Ustimovich Maslo	6,318.83
21.	Nikolay Ivanovich Mishin	10,634.59
22.	Viktor Ivanovich Myznikov	10,162.25
23.	Nikolay Andreyevich Moroz	5,710.97
24.	Sergey Lazarevich Muzykant	5,989.6
25.	Viktoria Anatoliyevna Nazarenko	5,297.03
26.	Galina Ivanovna Nekrasova	9,670.83
27.	Vasiliy Petrovich Oguretskiy	5,730.15
28.	Leonid Aleksandrovich Opria	11,241.84
29.	Nikolay Vasilyevich Osoyan	6,122.96
30.	Vladimir Yakovlevich Pashkov	10,073.83
31.	Boris Aleksandrovich Polovinkin	6,413.18
32.	Leonid Petrovich Rzhemovskiy	12,053.43

1. 1 euro = approximately 6 hryvnias (UAH).

33.	Anatoliy Ivanovich Samoylenko	7,385.76
34.	Andrey Viktorovich Sedykh	5,946.97
35.	Sergei Aleksandrovich Sigidin	3,476.3
36.	Aleksandr Vladimirovich Fomenko	8,186.59
37.	Aleksandr Maskimovich Chepur	9,394.97

On 30 April 2002 the Kyiv City Court of Appeal upheld this judgment.

On 13 March 2003 the Pechersky District Execution Service informed the applicants that the execution proceedings were still pending before the State Treasury of Ukraine. It also informed the applicants that the State Treasury had no funds available in the budget to enforce the judgment of 31 January 2002.

In February and March 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 31 January 2002.

On 22 April 2004 the applicants informed the Court that they no longer intended to pursue their application.

COMPLAINTS

The applicants complain about the non-execution of the judgment of the Pechersky District Court of Kyiv of 31 January 2002. 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 12 February 2004. On 22 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 31 January 2002.

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