CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

SECOND SECTION

DECISION

Application no. 72682/01
by Nikolay Mikhaylovich BONDAR
against Ukraine

The European Court of Human Rights (Second Section), sitting on 30 November 2004 as a Chamber composed of:

Mr J.-P. COSTA, *President*,
Mr A.B. BAKA,
Mr I. CABRAL BARRETO,
Mr K. JUNGWIERT,
Mr V. BUTKEVYCH,
Mrs A. MULARONI,
Ms D. JOČIENĖ, *judges*,
and Mrs S. DOLLÉ, *Section Registrar*,

Having regard to the above application lodged on 25 January 2000,

Having regard to the decision to apply Article 29 § 3 of the Convention and examine the admissibility and merits of the case together,

Having regard to the observations submitted by the respondent Government,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Nikolay Mikhaylovich Bondar, is a Ukrainian national, who was born in 1947 and lives in the town of Lisichansk, Lugansk region, Ukraine.

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

In August 2000 the applicant instituted proceedings in the Lisichansk City Court against the Melnikov mine (a State-owned enterprise) to recover unpaid salary.

On 3 November 2000 the Lisichansk City Court ordered the Melnikov mine to pay UAH 4,705.92 to the applicant. The court's decision became final.

On 21 November 2000 the State Bailiff Service of the Lisichansk City Department of Justice started enforcement proceedings.

On 14 May 2001 the Bailiff Service informed the applicant that the judgment of 3 November 2000 could not be enforced due to the debtor's lack of funds.

On 30 January 2003 the Bailiff Service again informed the applicant that the judgment of 3 November 2000 could not be enforced due to the debtor's lack of funds. It further stated that the applicant's name was registered on a creditor's waiting list under no. 1417.

By letter of 20 January 2004 the Government informed the Court that the judgment in the applicant's favour was enforced in full in November 2003.

COMPLAINTS

The applicant complained under Article 1 of Protocol No. 1 about the non-enforcement of the judgment of 3 November 2000.

The applicant further alleged that he was subjected to slavery due to the fact that his work was not remunerated. He invoked Article 4 § 1 of the Convention.

THE LAW

Notice of the application was given to the Government, which submitted their observations on the admissibility and merits of the applicant's complaints on 11 July 2003. On 31 July 2003 the applicant was requested to submit his observations in reply. However, the applicant failed to do so. Moreover, he failed to respond to a registered letter from the Registry of the Court dated 23 August 2004 and received by the applicant on 30 August 2004, warning him of the possibility that his case might be struck out of the Court's list.

Having regard to Article 37 § 1 (a) of the Convention, the Court concludes that the applicant does not intend to pursue the 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 be discontinued.

For these reasons, the Court unanimously

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

S. DOLLÉ
Registrar

J.-P. COSTA
President