CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FIRST SECTION

DECISION

Application no. 43417/02
by Vladislav Anatolyevich DOMIO
against Russia

The European Court of Human Rights (First Section), sitting on 25 November 2004 as a Chamber composed of:

Mr C.L. ROZAKIS, *President*,
Mrs S. BOTOUCHAROVA,
Mr A. KOVLER,
Mrs E. STEINER,
Mr K. HAJIYEV,
Mr D. SPIELMANN,
Mr S.E. JEBENS, *judges*,
and Mr S. NIELSEN, *Section Registrar*,

Having regard to the above application lodged on 21 November 2002,

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, Vladislav Anatolyevich Domio, is a Russian national who was born in 1963 and lives in Taganrog, the Rostov Region. He was represented before the Court by Ms Boldyreva, a lawyer practising in Taganrog. The respondent Government were represented by Mr P. Laptev,

Representative of the Russian Federation at the European Court of Human Rights.

A. The circumstances of the case

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

On 2 March 1993 the applicant was charged with a criminal offence. In connection with the charge the police seized weapons, icons and two vehicles belonging to the applicant.

On 30 June 1994 the applicant was convicted in criminal proceedings and released on probation. The return of seized property was ordered in the same judgment.

In 2002 the applicant brought proceedings against the Ministry if Internal Affaires and a number of other state bodies apparently responsible for a failure to return the seized property.

On 25 September 2002 the Taganrog Town Court of the Rostov Region awarded the applicant 2,189,461 roubles in damages, plus the costs.

On 22 October 2002 the applicant submitted the execution writ to the Ministry of Finance of the Russian Federation, however, according to the applicant, he has not received the amount due.

COMPLAINT

The applicant complained under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to the Convention about non-enforcement of the judgment of 25 September 2002.

THE LAW

The relevant part of Article 37 § 1 of the Convention 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
>
> (a) the applicant does not intend to pursue his application; ...
>
> 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."

The Court notes that the time-limit to submit observations in reply to those of the respondent Government expired on 26 September 2003.

In the absence of a reply from the applicant in due time, on 19 August 2004 the Registry repeated its request by sending a registered letter both to his and his representative' addresses. No reply has been received.

In these circumstances the Court finds that, having regard to Article 37 § 1 (a) of the Convention the applicant has lost interest in his application and no longer intends to pursue it before the Court. 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 the application to be continued.

Accordingly, Article 29 § 3 of the Convention should no longer apply to the case and it should be struck out of the list.

For these reasons, the Court unanimously

Decides to discontinue the application of Article 29 § 3 of the Convention and to strike the application out of its list of cases.

Søren NIELSEN
Registrar

Christos ROZAKIS
President