CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FOURTH SECTION

DECISION

Application no. 1805/02
by Ioana DONIC
against Moldova

The European Court of Human Rights (Fourth Section), sitting on 10 January 2006 as a Chamber composed of:

Sir Nicolas BRATZA, *President*,
Mr J. CASADEVALL,
Mr M. PELLONPÄÄ,
Mr R. MARUSTE,
Mr S. PAVLOVSCHI,
Mr J. BORREGO BORREGO,
Mr J. ŠIKUTA, *judges*,
and Mr M. O'BOYLE, *Section Registrar*,

Having regard to the above application lodged on 29 August 2001,

Having regard to the correspondence with the parties,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mrs Ioana Donic, is a Moldovan national who was born in 1928 and lives in Volintiri.

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

In 1999 the applicant brought a civil action against her neighbour, seeking the demolition of an illegal construction for his domestic animals, built in front of her house.

By a final judgment of 9 March 1999, the Stefan Vodă District Court ruled in favour of the applicant and ordered her neighbour to demolish the

illegal construction and to keep his animals at a distance of at least 15 metres from the applicant's house.

The applicant wrote seven complaints to the Bailiff's Office and to the Ministry of Justice, seeking the enforcement of the judgment of 9 March 1999. The Bailiff did not enforce the judgment or demolish her neighbours' construction.

COMPLAINTS

1. The applicant complained in substance under Article 6 § 1 of the Convention, that by reason of the non-enforcement of the judgment of 9 March 1999, her right to have her civil rights determined by a court within a reasonable period of time was violated.

2. The applicant also complained under Article 8 of the Convention that her right to private life was breached.

THE LAW

On 18 February 2004 the Court received the Government's observations on the case. On 19 March 2004 the Court transmitted the observations to the applicant, who was invited to submit her written comments by 16 April 2004. Having received no reply, by a registered letter of 25 May 2004 the Court pointed out to the applicant that the deadline for submitting observations had expired and warned her that, no extension of the time-limit having been requested, the Court might decide to strike the case off its case-list. The applicant did not reply.

On 27 October 2004 a lawyer from the Registry of the Court called the applicant to enquire on whether she intended to pursue her case. The applicant declared that she had not understood the contents of the previous letters, because they were in English.

On 3 November 2004 she was sent a registered letter in Romanian, requesting her to submit her written comments on the Government's observations on the case by 16 December 2004, or to inform the Court that she did not wish to add anything to her original application. The applicant received that letter but did not reply.

In the light of the above, in accordance with Article 37 § 1 of the Convention, the Court now considers that the applicant does not intend to pursue her application. Furthermore, the Court finds no special circumstances regarding respect for human rights as defined in the Convention which require the continuation of the examination of the application.

For these reasons, the Court unanimously

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

Michael O'BOYLE
Registrar

Nicolas BRATZA
President