

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

THIRD SECTION

DECISION

Application no. 9230/05
Alexandru ERMACOV against Moldova
and 12 other applications
(see list appended (Annex No. 1))

The European Court of Human Rights (Third Section), sitting on 10 April 2012 as a Committee composed of:

Alvina Gyulumyan, *President,*
Ineta Ziemele,
Mihai Poalelungi, *judges,*

and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above applications lodged between 18 February 2005 and 14 April 2010,

Having deliberated, decides as follows:

## THE FACTS

1. The applicants and the applicant companies, referred to in the attached tables, are Moldovan nationals or private companies registered in Moldova, except for Mr Topcii and Mr Banari, who are Ukrainian nationals, and Harland International Inc., which is a private company registered in the United States of America. They lodged their applications between 18 February 2005 and 14 April 2010. The Moldovan Government ("the Government") are represented by their Agent, Mr V. Grosu. The Ukrainian Government were informed of their right to intervene in the applications nos. 12457/09 and 24167/10, but did not avail themselves of that right.

2. All the applicants and the applicant companies obtained final judgments in their favour. Enforcement warrants were issued. Some of these final judgments have not been enforced to date, either fully or in part, whereas others have been enforced with delay.

3. On 1 July 2011 a new law (Law No. 87) entered into force, instituting a remedy against the problem of non-enforcement of final domestic judgments and against the problem of unreasonable length of proceedings.

4. On 29 September 2011 the Court informed the applicants and the applicant companies of the new remedy, asking whether they intended to make use of it within the six-month time-limit set by Law No. 87. The applicants' and the applicant companies' attention was drawn to the fact that according to Article 35 § 1 of the Convention, the Court may only deal with a matter after all domestic remedies have been exhausted and that failure to observe the above rule could constitute a reason for declaring the applications inadmissible.

5. The applicants and the applicant companies did not reply to the Court's letter of 29 September 2011. On an unspecified date Mr Banari died. His successors also failed to inform the Court whether they wished to pursue the application on Mr Banari's behalf.

## THE LAW

6. Relying on various provisions of the Convention (see Annex No. 1), the applicants and the applicant companies complained that the State had failed to ensure the enforcement of the binding and enforceable judgments in their favour.

7. The Court finds that, given their common factual and legal background, it is appropriate to join the present applications.

8. The Court further notes that the present applicants and applicant companies did not reply to its letter dated 29 September 2011 and, in view of the content of that letter, considers that these applicants and applicant companies may be regarded as no longer wishing to pursue their applications, within the meaning of Article 37 § 1 (a) of the Convention. 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 continued examination of the case. In view of the above, it is appropriate to strike these applications out of the list.

For these reasons, the Court unanimously

*Decides* to join the applications;

*Decides* to strike the applications out of its list of cases.

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| Marialena Tsirli<br>Deputy Registrar | Alvina Gyulumyan<br>President |

# ANNEX No. 1

| No. | Application no. and date of lodging | Date of communication to the respondent Government | Applicant's details | Final judgment | Communicated complaints | Other complaints |
|---|---|---|---|---|---|---|
| 1. | 9230/05, lodged on 18.02.2005 | 20.01.2009 | Mr Alexandru ERMACOV, born in 1972 and living in Hânceşti | Hânceşti District Court, judgments of 4.04.2001, 5.11.2001, 6.08.2003, 29.04.2004, 16.09.2004 and on 18.10.2004 | Articles 6 and 13 of the Convention and 1 of Protocol No.1 | n/a |
| 2. | 9003/06, lodged on 15.02.2006 | 08.12.2008 | Ms Parascovia ILAŞCU and 7 others (see Annex No. 2) | Court of Appeal of the Republic of Moldova, 3.01.2002;<br>Chişinău Regional Court, decisions of 14.11.2001, 9.04.2002, 16.04.2002, 21.03.2002 | Articles 6 of the Convention and 1 of Protocol No.1 | n/a |
| 3. | 491/07, lodged on 11.12.2006 | 20.01.2009 | Mr Andrei NOVACOV, born in 1983 and living in Ceadîr-Lunga | Comrat District Court, 24.01.2002 | Articles 6 and 13 of the Convention and 1 of Protocol No.1 | n/a |
| 4. | 52939/07, lodged on 02.12.2007 | 06.05.2011 | Ms Violeta GĂŞIŢOI, born in 1980 and living in Chişinău | Buiucani District Court, 4.05.2007 | Articles 6 and 13 of the Convention and 1 of Protocol No.1 | Article 6 of the Convention (length of proceedings) |
| 5. | 56541/07, lodged on 30.11.2007 | 09.12.2008 | Ms Natalia PĂTRUNJEL, date of birth unknown, living in Chişinău | Chişinău Court of Appeal, 2.11.2006 | Articles 6 of the Convention and 1 of Protocol No.1 | n/a |
| 6. | 1832/08, lodged on 29.10.2007 | 06.05.2011 | Mr Ilie PĂDUREŢ, born in 1952 and living in Chişinău | Buiucani District Court, 2.04.2007 | Articles 6 and 13 of the Convention and 1 of Protocol No.1 | Article 10 of the Convention |
| 7. | 9443/08, lodged on 30.11.2007 | 06.05.2011 | Mr Ilie PĂDUREŢ, born in 1952 and living in Chişinău | Supreme Court of Justice, 6.06.2007 | Articles 6 and 13 of the Convention and 1 of Protocol No.1 | n/a |

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| 8. | 16590/08, lodged on 07.03.2008 | 30.11.2009 | Harland International Inc., private company registered in the United States of America | Rîşcani District Court, 24.12.2007 | Articles 6 and 13 of the Convention and 1 of Protocol No.1 | n/a |
| 9. | 17948/08, lodged on 12.03.2008 | 25.05.2010 | Ms Elena RUSU and others (see Annex No. 3) | Căuşeni District Court, 23.02.2006 | Articles 6 and 13 of the Convention and 1 of Protocol No.1 | n/a |
| 10. | 34217/08, lodged on 25.06.2008 | 06.05.2011 | Asociatia DNT, private company registered in Moldova | Chişinău Economic District Court, 10.12.2004 | Articles 6 and 13 of the Convention and 1 of Protocol No.1 | n/a |
| 11. | 38689/08, lodged on 11.08.2008 | 06.05.2011 | LAL SRL, private company registered in Moldova | Supreme Court of Justice, 9.10.2002 | Articles 6 and 13 of the Convention and 1 of Protocol No.1 | n/a |
| 12. | 12457/09, lodged on 23.02.2009 | 30.11.2009 | Mr Leonid TOPCII, a Ukrainian national, born in 1945 and living in Starobilsk, Ukraine | Comrat District Court, 6.09.1995 | Articles 6 and 13 of the Convention and 1 of Protocol No.1 | n/a |
| 13. | 24167/10, lodged on 14.04.2010 | 06.05.2011 | Mr Grigorii BANARI, Ukrainian national, born in 1957 and deceased on an unspecified date | Dergachev District Court (Ukraine), 2.11.2009 | Articles 6 and 13 of the Convention and 1 of Protocol No.1 | n/a |

## ANNEX No. 2

| **Applicant's name** | **Applicant's details** |
|---|---|
| Ms Parascovia Ilaşcu | Moldovan national, born in 1961 and living in Chişinău |
| Ms Tatiana Răilean | Moldovan national, born in 1966 and living in Chişinău |
| Ms Maria Pleasunov | Moldovan national, born in 1964 and living in Chişinău |
| Mr Mihai Gologan | Moldovan national, born in 1966 and living in Chişinău |
| Ms Valentina Armaşu | Moldovan national, born in 1966 and living in Chişinău |
| Mr Boris Stepa | Moldovan national, born in 1958 and living in Chişinău |
| Mr Oleg Zengher | Moldovan national, born in 1961 and living in Chişinău |
| Mr Pimen Răilean | Moldovan national, born in 1965 and living in Chişinău |
| Ms Elena Rusu | Moldovan national, born in 1960 and living in Căuşeni |
| Mr Vladimir Rusu | Moldovan national, born in 1952 and living in Căuşeni |
| Mr Constantin Rusu | Moldovan national, born in 1982 and living in Căuşeni |
| Ms Natalia Paniş | Moldovan national, born in 1953 and living in Căuşeni |
| Mr Andrei Paniş | Moldovan national, born in 1985 and living in Căuşeni |
| Mr Ion Paniş | Moldovan national, born in 1987 and living in Căuşeni |

## ANNEX No. 3

| **Applicant's name** | **Applicant's details** |
|---|---|
| Ms Elena Rusu | Moldovan national, born in 1960 and living in Căuşeni |
| Mr Vladimir Rusu | Moldovan national, born in 1952 and living in Căuşeni |
| Mr Constantin Rusu | Moldovan national, born in 1982 and living in Căuşeni |
| Ms Natalia Paniş | Moldovan national, born in 1953 and living in Căuşeni |
| Mr Andrei Paniş | Moldovan national, born in 1985 and living in Căuşeni |
| Mr Ion Paniş | Moldovan national, born in 1987 and living in Căuşeni |