CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

SECOND SECTION

DECISION

Application no. 7443/02
by Ivan Petrovich FROLOV
against Ukraine

The European Court of Human Rights (Second Section), sitting on 7 June 2005 as a Chamber composed of:

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

Having regard to the above application lodged on 10 June 2001,

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 and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Ivan Petrovich Frolov, is a Ukrainian national who was born in 1948 and currently resides in the city of Lysychansk, in the Lugansk Region, Ukraine. The respondent Government are represented by their Agent, Mrs V. Lutkovska.

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

On 17 April 2001 the Lysychansk City Court ordered the Melnikova mine – a State-owned enterprise – to pay the applicant 5,730.98 UAH in salary arrears.

On 5 June 2001 the Lysychansk City Bailiffs' Service informed the applicant that the judgment was not enforced due to the debtor's lack of funds.

According to the Government, on 28 November 2003 the applicant received the amount awarded to him by the judgment of 17 April 2001 in full. On 1 December 2003 the Bailiffs' Service completed the enforcement proceedings in respect of the above judgment.

COMPLAINT

The applicant complained under Articles 6 § 1 and 13 of the Convention and Article 1 of Protocol No. 1 about the non-enforcement of the judgment of the Lysychansk City Court of 17 April 2001.

THE LAW

Notice of the application was given to the Government, who submitted their observations on the admissibility and merits of the applicant's complaint on 26 September 2003. On 2 December 2003 the applicant submitted his observations in reply to those of the Government. On 20 January 2004 the Government submitted further observations on the present application. On 11 February 2004 the applicant was invited to submit his observations in reply. However, the Court notes that the applicant has failed to do so. Moreover, he has failed to respond to a registered letter dated 17 March 2005 and received by the applicant on 25 March 2005, warning the applicant 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 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