CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

## FOURTH SECTION

## DECISION

Application no. 2418/02
by Sava FURTUNA
against Moldova

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

Sir Nicolas BRATZA, *President*,
Mr J. CASADEVALL,
Mr G. BONELLO,
Mr R. MARUSTE,
Mr S. PAVLOVSCHI,
Mr L. GARLICKI,
Mr J. BORREGO BORREGO, *judges*,
and Mr M. O'BOYLE, *Section Registrar*,

Having regard to the above application lodged with the European Commission of Human Rights on 14 December 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 Sava Furtună, is a Moldovan national, who was born in 1956 and lives in Drochia, Moldova. The respondent Government were represented by their Agent, Mr V. Pârlog.

### The circumstances of the case

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

The applicant was an employee of the Firemen and Rescuers Direction within the Ministry of Internal Affairs.

In 1997 the applicant lodged with the Chişinău District Court a civil action against the Ministry in which he sought reimbursement of salary arrears for the period between 1994 and 1995.

On 28 August 1997 the court awarded the applicant compensation in the amount of Moldovan Lei (MDL) 1,407.34. No appeal was lodged and the judgment became final.

After his retirement, the applicant lodged with the Drochia District Court a civil action against the Department of Civil Protection and Exceptional Situations in which he sought payment of pecuniary indemnities for the period between 1 January and 5 November 1999.

On 26 April 2001 the court awarded the applicant compensation in the amount of MDL 6,077.83. No appeal was lodged and the judgment became final.

On 10 May 2001 the applicant complained about the non-enforcement of the judgments of 28 August 1997 and 26 April 2001 respectively to the Ministry of Justice. On 6 September 2001 the Ministry forwarded the applicant's complaints to the Chişinău District Court and Drochia District Court respectively. In reply, on 12 September and 11 October 2001 the Ministry informed the applicant that the judgments could not be enforced due to the lack of funds in the bank accounts of the Ministry of Internal Affairs and of the Department of Civil Protection and Exceptional Situations.

On 16 August 2001 the applicant's complaint about the non-enforcement of the judgment of 26 April 2001 filed with the President's Office was forwarded to the Ministry of Labour and to the Department of Civil Protection and Exceptional Situations. In a letter of 12 September 2001 the Department of Civil Protection and Exceptional Situations informed the applicant that the judgment could not be enforced due to the lack of funds in the bank account of the debtor.

On 15 May 2003 the judgments were enforced.

## COMPLAINTS

1. The applicant complained that by the non-enforcement of the judgments of 28 August 1997 and 26 April 2001 respectively, his right to have his civil rights determined by a court was violated. He invoked in substance Article 6 § 1 of the Convention.

2. The applicant also complained that because of the non-enforcement of the judgments of 28 August 1997 and 26 April 2001 respectively he was unable to enjoy his possessions and thus his right to protection of property was violated. He invoked in substance Article 1 of Protocol No. 1 to the Convention.

## THE LAW

By letter dated 20 May 2003 the Government informed the Court that the final judgments of 28 August 1997 and 26 April 2001 had been enforced.

In letters of 19 August 2003 and 31 March 2004 the applicant thanked the Court for helping him to have the judgments enforced and stated that he did not wish to pursue the application.

The Court finds that the applicant no longer wishes to pursue his application 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 Protocol which require that the examination of the application be continued. Accordingly, the case should be struck out of the Court's list of cases.

For these reasons, the Court unanimously

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

Michael O'BOYLE
Registrar

Nicolas BRATZA
President