CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FIRST SECTION

DECISION

Application no. 16285/05
by Gennadiy GRISHAN
against Russia

The European Court of Human Rights (First Section), sitting on 12 February 2008 as a Chamber composed of:

Christos Rozakis, *President,*
Nina Vajić,
Anatoli Kovler,
Khanlar Hajiyev,
Dean Spielmann,
Sverre Erik Jebens,
Giorgio Malinverni, *judges,*
and Søren Nielsen, *Section Registrar,*

Having regard to the above application lodged on 24 February 2005,

Having regard to the decision to apply Article 29 § 3 of the Convention and examine the admissibility and merits of the case together,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Gennadiy Adamovich Grishan, is a Russian national who was born in 1938 and lives in Obninsk in the Kaluga Region. The respondent Government were represented by Mrs V. Milinchuk, Representative of the Russian Federation at the European Court of Human Rights.

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

The applicant took part in the clean-up operation at the site of the Chernobyl nuclear plant disaster. As a consequence of exposure to radioactive emission, he became disabled.

On 6 June 2003 the Obninsk Town Court of the Kaluga Region granted the applicant's claim against the Obninsk Social Security Office in respect of unpaid monthly food allowance. The Town Court held that the Office should pay him 2,830.88 Russian roubles (RUB) in respect of arrears for the period from June 2002 to April 2003 and increase his monthly allowance to RUB 676.52. On 4 August 2003 the Kaluga Regional Court upheld the judgment on appeal. On 13 August 2003 the applicant was issued writs of execution.

On 23 July 2003 the Obninsk Town Court granted the applicant's claim against the Social Security Office for the outstanding amounts of compensation for health damage. It held that the Office should pay the applicant RUB 995.53 in arrears accrued in 2002 and 2003. On 25 September 2003 the Kaluga Regional Court upheld the judgment on appeal. On 7 October 2003 the applicant obtained a writ of execution.

On 22 March 2004 the Obninsk Town Court allowed the applicant's action against the Social Security Department of the Obninsk Town Council and held that it should pay the applicant the following amounts (arithmetical errors corrected by the interim decision of 17 May 2004):

- RUB 11,506.44 in respect of monthly compensation for the health damage;
- RUB 2,931.82 in respect of unpaid compensation in January and February 2004;
- RUB 775.29 in respect of monthly food allowance;
- RUB 197.54 in respect of unpaid food allowance in January and February 2004;
- RUB 1,292.15 in respect of annual compensation for the health damage.

On 28 May 2004 the applicant obtained writs of execution.

According to the information submitted by the Government, in 2006 the applicant asked the Town Court to re-open the above-mentioned proceedings on account of newly discovered circumstances. By decisions of 14 March and 7 April 2006, the Town Court granted his request, quashed the judgments of 26 May, 6 and 23 June 2003 and 22 March 2004 and closed the enforcement proceedings.

On 19 April 2006 the Town Court issued a new judgment. It awarded the applicant RUB 667,587.88 against the Ministry of Finance, which amount comprised, in particular, the arrears unpaid under the previous judgments. The judgment of 19 April 2006 was enforced in full on 19 December 2006.

COMPLAINT

The applicant complained under Article 1 of Protocol No. 1 and Article 13 of the Convention about non-enforcement of judgments in his favour.

THE LAW

The Court recalls Article 37 of the Convention which, in the relevant part, reads as follows:

> "1. 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 observes that, by letter of 25 July 2007, the Government's observations were forwarded to the applicant who was requested to submit any observations together with any claims for just satisfaction in reply by 26 September 2007. No response was received from the applicant.

By letter of 6 November 2007 sent by registered mail, the applicant was advised that the period allowed for submission of his observations had expired and that no extension of time had been requested. His attention was drawn to Article 37 § 1 (a) of the Convention, which provides that the Court would strike a case out of its list of cases where the circumstances lead to the conclusion that the applicant does not intend to pursue the application. The applicant received the letter on 16 November 2007 but never replied.

The Court considers that, in these circumstances, the applicant may be considered as no longer wishing to pursue his application, within the meaning of Article 37 § 1 (a) of the Convention. The Court further notes that the amounts due to him have already been paid. It therefore considers that respect for human rights as defined in the Convention and its Protocols does not require it to continue the examination of his complaints (Article 37 § 1 *in fine*). In view of the above, it is appropriate to discontinue the application of Article 29 § 3 of the Convention and to strike the case out of the list of cases.

For these reasons, the Court unanimously

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

Søren Nielsen Registrar	Christos Rozakis President