CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

SECOND SECTION

DECISION

Application no. 34284/02
by Anatoliy Petrovich GROMYLO
against Ukraine

The European Court of Human Rights (Second Section), sitting on 5 April 2005 as a Chamber composed of:

Mr A.B. BAKA, *President*,
Mr I. CABRAL BARRETO,
Mr R. TÜRMEN,
Mr V. BUTKEVYCH,
Mr M. UGREKHELIDZE,
Mrs E. FURA-SANDSTRÖM,
Ms D. JOČIENĖ, *judges*,

and Mrs S. DOLLÉ, *Section Registrar*,

Having regard to the above application lodged on 22 August 2002,

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,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Anatoliy Petrovich Gromylo, is a Ukrainian national who was born in 1948 and lives in the town of Dobropolye, the Donetsk Region, Ukraine. The respondent Government are represented by their Agents - Mrs V. Lutkovska and Mrs Z. Bortnovska.

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

In 2002 the applicant instituted civil proceedings in the Dobropolsky Local Court of the Donetsk Region against his employer, a State-owned mining company, in order to receive disability payments.

On 22 March 2002, the court found for the applicant (*Решение Добропольского городского суда*) and awarded him 29,067.97 UAH.

In May-June 2002, the Dobropolsky Local Bailiffs' Service (*Відділ державної виконавчої служби Добропольського міського управління юстиції*) informed the applicant about the measures taken by the Bailiffs to enforce the judgment and the limitations on enforcement proceedings due to the operation of the Law "On the Introduction of a Moratorium on the Forced Sale of Property".

According to the Government, the full amount was paid to the applicant by instalments, the last being on 10 November 2003. On 12 November 2003 the enforcement proceedings were completed.

COMPLAINTS

The applicant originally complained under Article 6 of the Convention and Article 1 of Protocol No. 1 that the lengthy non-enforcement of the judgment in his favour violated his right to a fair hearing and his right to the peaceful enjoyment of his property.

THE LAW

Notice of the application was given to the Government, who submitted their observations on the admissibility and merits of the applicant's complaints on 5 January 2004. On 3 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 23 November 2004 and received by the applicant on 6 December 2004, warning him 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	A.B. BAKA
Registrar	President