CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FOURTH SECTION

DECISION

Application no. 23606/02
by Anatol HARCENCO
against Moldova

The European Court of Human Rights (Fourth Section), sitting on 10 January 2006 as a Chamber composed of:

Sir Nicolas BRATZA, *President*,
Mr J. CASADEVALL,
Mr M. PELLONPÄÄ,
Mr R. MARUSTE,
Mr S. PAVLOVSCHI,
Mr J. BORREGO BORREGO,
Mr J. ŠIKUTA, *judges*,
and Mr M. O'BOYLE, *Section Registrar*,

Having regard to the above application lodged on 4 June 2002,

Having regard to the correspondence with the parties,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Anatol Harcenco, is a Moldovan national who was born in 1951 and lives in Bălţi.

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

The applicant was an employee of the Ministry of Internal Affairs. In May 2001 he was dismissed.

The applicant brought an action against his former employer seeking reinstatement.

By a final judgment of 28 March 2002 the Court of Appeal ruled in favour of the applicant and ordered the Ministry of Internal Affairs to reinstate him.

On 28 March 2002 the applicant obtained an enforcement warrant, which the Bailiff did not enforce.

COMPLAINTS

1. The applicant complained under Article 6 § 1 of the Convention, that by reason of the non-enforcement of the judgment 28 March 2002, his right to have his civil rights determined by a court within a reasonable period of time was violated.
2. The applicant also alleged a violation of Article 17 of the Convention.

THE LAW

On 29 January 2004 the Court received the Government's observations on the case. On 10 February 2004 the Court transmitted the observations to the applicant, who was invited to submit his written comments by 23 March 2004. Having received no reply, by a registered letter of 13 April 2004 the Court pointed out to the applicant that the deadline for submitting observations had expired and warned him that, no extension of the time-limit having been requested, the Court might decide to strike the case off its case-list. The applicant did not reply.

On 27 October 2004 a lawyer from the Registry of the Court called the applicant to enquire on whether he intended to pursue his case. The applicant declared that he had not understood the contents of the previous letters, because they were in English.

On 3 November 2004 he was sent a registered letter in Romanian, requesting him to submit his written comments on the Government's observations on the case by 16 December 2004, or to inform the Court that he did not wish to add anything to his original application. The applicant received that letter but did not reply.

In the light of the above, in accordance with Article 37 § 1 of the Convention, the Court now considers that the applicant does not intend to pursue his application. Furthermore, the Court finds no special circumstances regarding respect for human rights as defined in the Convention which require the continuation of the examination of the application.

For these reasons, the Court unanimously

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

Michael O'BOYLE
Registrar

Nicolas BRATZA
President