CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

SECOND SECTION

DECISION

Application no. 17332/02
by Vasiliy Dmitriyevich KHARYUK
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 12 March 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 Vasiliy Dmitriyevich Kharyuk, is a Ukrainian national who was born in 1946 and currently resides in the village of Belitskoye, in the Donetsk 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 28 August 1998 the Dobropolsky City Court ordered the State mine Belitskaya to pay the applicant UAH 10,015 in compensation.

On 1 April 2002 the Dobropolsky City Bailiffs' Service informed the applicant that the judgment was not enforced, as the procedure for the forced sale of assets belonging to the debtor was blocked by the Law on the Introduction of a Moratorium on the Forced Sale of Property of 29 November 2001.

According to the Government, the applicant received the full amount awarded to him by the judgment of 28 August 1998 by instalments. On 5 September 2003 the Bailiffs' Service completed the enforcement proceedings in respect of the above judgment.

COMPLAINT

The applicant complained under Article 6 § 1 of the Convention about the non-enforcement of the judgment of the Dobropolsky City Court of 28 August 1998.

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 25 September 2003. On 17 November 2003 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 26 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