CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FOURTH SECTION

DECISION

Application no. 31281/02
by Ion MARIN
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 22 July 2002,

Having regard to the correspondence with the parties,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Ion Marin, is a Moldovan national who was born in 1928 and lives in Chisinau.

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

In 2002 the applicant lodged an action with the Râşcani District Court against the Ministry of Finance, seeking compensation in connection with his deposits in the Savings Bank. The action was based on the Parliament's decision of 29 July 1994 to revalue the savings of citizens in the Savings Bank in order to compensate for losses caused by inflation.

By a final judgment of 6 March 2002, the Râşcani District Court ruled in favour of the applicant and ordered the Ministry of Finance to pay him MDL 733.50 (EUR 63.67).

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 of 6 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 complained that because of that non-enforcement, his right to protection of property under Article 1 of Protocol No. 1 to the Convention was violated.

THE LAW

On 20 January 2004 the Court received the Government's observations on the case. On 17 February 2004 the Court transmitted the observations to the applicant, who was invited to submit his written comments by 30 March 2004. Having received no reply, by a registered letter of 25 May 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