

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

FIFTH SECTION

DECISION

Application no. 11335/06
Larisa Mikhaylovna MUSIYENKO
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 23 October 2012 as a Committee composed of:

Mark Villiger, *President,*
Karel Jungwiert,
André Potocki, *judges,*
and Stephen Phillips, *Deputy Section Registrar,*

Having regard to the above applications lodged on various dates,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mrs Larisa Mikhaylovna Musiyenko, is a Ukrainian national who was born on 26 August 1947 and was represented by Mr Musienko Viktor Andriyovych, lawyer practicing in Kiev. The Ukrainian Government ("the Government") were represented by their Agent, Mr N. Kultchytskyy, of the Ministry of Justice.

The applicant complained about the lengthy non-enforcement of the judgment of the Kostyantynivka Court of 13 December 2001 given in her favour. The application was communicated to the Government, who submitted a friendly settlement declaration on 17 January 2012. On 1 February 2012 the declaration was forwarded to the applicant, who was invited to submit her comments. No reply followed.

The applicant also failed to reply to registered letters sent by the Court to the applicant's and her lawyer's addresses on 20 March and 22 May 2012

respectively warning the applicant that her application might be struck out of the Court's list of cases pursuant to Article 37 § 1 (a) of the Convention.

THE LAW

The Court considers that, in these circumstances, the applicant may be regarded as no longer wishing to pursue his application, within the meaning of Article 37 § 1 (a) of the Convention. 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 continued examination of the case.

In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court unanimously

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

Stephen Phillips Deputy Registrar	Mark Villiger President