CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

SECOND SECTION

DECISION

Application no. 5483/02
by Valeriy Ivanovich STARODUB
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 11 January 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 Valeriy Ivanovich Starodub, is a Ukrainian national, who was born in 1948 and currently resides in the city of Donetsk, 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 13 February 2001 the Kuybyshevsky Local Court ordered the State mine "Zhovtnevyi Rudnik" to pay the applicant UAH 3,876.01 in salary arrears and compensation.

On 1 October and 14 December 2001 the Kuybyshevsky Local Bailiffs' Service informed the applicant that the judgment was not enforced due to the debtor's lack of funds.

According to the Government, on 5 August 2002 the mine became a structural subdivision of the Donetskvugillya State Enterprise, the latter being the mine's successor. The Government further maintained that the judgment in the applicant's favour was not enforced due to the debtor's lack of funds and the large number of enforcement proceedings against the debtor.

COMPLAINT

The applicant complained under Article 6 § 1 of the Convention about the non-enforcement of the judgment of the Kuybyshevsky Local Court of 13 February 2001.

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 29 September 2003. On 10 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 16 March 2005 and received by the applicant on 29 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