CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FIRST SECTION

DECISION

Application no. 9662/02
by Alla Gennadyevna SYTINA
against Russia

The European Court of Human Rights (First Section), sitting on 29 March 2007 as a Chamber composed of:

Mr C.L. ROZAKIS, *President*,
Mr A. KOVLER,
Mrs E. STEINER,
Mr K. HAJIYEV,
Mr D. SPIELMANN,
Mr S.E. JEBENS,
Mr G. MALINVERNI, *judges*,
and Mr S. NIELSEN, *Section Registrar*,

Having regard to the above application lodged on 30 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, Ms Alla Gennadyevna Sytina, is a Russian national who lives in Kurtamysh of the Kurgan Region. The Russian Government ("the Government") were represented by Mr P. Laptev, Representative of the Russian Federation at the European Court of Human Rights.

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

The applicant is a widow of a military serviceman killed in Chechnya.

Mr S. Sytin, the applicant's husband, who had been on mission in Chechnya from 6 April 2000 to 30 December 2000, was entitled to obtain a special allowance for the mission in the amount of 176,800 roubles (RUR). Since the payment had not been timely effected, Mr Sytin brought a civil action against the military unit No. 23132, to which he had been assigned.

On 27 March 2001 the Military Court of the Kurgan Garrison of the Ural Command granted Mr Sytin's claims and awarded him RUR 176,800. The judgment was not appealed against and became final on 9 April 2001.

On an unspecified date of April 2001 a writ of execution was sent to the Bailiff's Service.

On 23 April 2001 the applicant's husband again went on mission to Chechnya, where he was killed in action on 30 August 2001.

As the judgment of 27 March 2001 had not been enforced by the time of Mr Sytin's death, the applicant inherited the right to obtain the judicial award.

On 20 June 2002 the military unit No. 23132 opened in the applicant's name two bank deposits, in the amount of RUR 23,240 and RUR 24,300 respectively (RUR 47,540 in total). The applicant was informed that by these payments the military unit had covered all arrears due to her late husband. There was no indication that the said payments had been effected in execution of the judgment of 27 March 2001.

It appears that the judgment of 27 March 2001 has not been enforced to date.

COMPLAINTS

The applicant complained about non-execution of the judgment of the Military Court of the Kurgan Garrison of the Ural Command of 27 March 2001.

THE LAW

The Court notes that on 8 July 2005 the Court informed the applicant that notice of the application had been given to the respondent Government. On 1 December 2005 the Court sent the applicant the Government's observations on the admissibility and merits of the application and invited her to submit her observations in reply by 2 February 2006. The applicant did not reply. On 7 June 2006 the Court advised the applicant that she had not complied with the time-limits for submission of her observations, and that in the absence of an application for extension of the time-limit the Court might conclude that she was no longer interested in pursuing the

application and decide to strike it out of its list of cases. On 17 November 2006 it reiterated its warning. On 18 December 2006 the Court received a postal notice with the applicant's signature acknowledging the receipt of the Court's letter on 30 November 2006. The Court received no further correspondence from the applicant.

In these circumstances, the Court finds that the applicant has lost interest in her application and does not intend to pursue it within the meaning of Article 37 § 1 (a) of the Convention, which provides as follows:

> "The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that
>
> (a) the applicant does not intend to pursue his application..."

Furthermore, the Court considers that respect for human rights as defined in the Convention and the protocols thereto does not require the continued examination of the application (Article 37 § 1 *in fine*).

Accordingly, Article 29 § 3 of the Convention should no longer apply to the case and the application should be struck out of the Court's list of cases in accordance with Article 37 § 1 (a) of the Convention.

For these reasons, the Court unanimously

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

Søren NIELSEN
Registrar

Christos ROZAKIS
President