CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

SECOND SECTION

DECISION

Application no. 18861/03
by Vladimir Pavlovich TARASENKO
against Ukraine

The European Court of Human Rights (Second Section), sitting on 5 April 2005 as a Chamber composed of:

Mr A.B. BAKA, *President*,
Mr I. CABRAL BARRETO,
Mr R. TÜRMEN,
Mr K. JUNGWIERT,
Mr V. BUTKEVYCH,
Mrs A. MULARONI,
Ms D. JOČIENĖ, *judges*,
and Mrs S. DOLLÉ, *Section Registrar*,

Having regard to the above application lodged on 19 May 2003,

Having regard to the decision to apply Article 29 § 3 of the Convention and examine the admissibility and merits of the case together,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Vladimir Pavlovich Tarasenko, is a Ukrainian national who was born in 1954 and lives in the town of Dimitrov, Donetsk region, Ukraine.

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

In 1999 the applicant instituted proceedings in the Dimitrovskiy Town Court of the Donetsk region against his former employer, the State-owned Stakhanov mining company, to recover disability payment arrears and to

receive compensation. On 2 September 1999 the court awarded the applicant UAH 27,775[1].

The judgment was enforced only in part (UAH 13,870) due to the lack of sufficient funds of the debtor and due to the procedure for restructuring State mining companies.

On 16 February 2005 the remaining part of the award was paid to the applicant.

COMPLAINT

The applicant originally complained under Article 6 § 1 of the Convention about the non-enforcement of the judgment in his favour.

THE LAW

Notice of the application was given to the Government on 21 January 2005. By letter of 16 February 2005, the applicant informed the Court that the judgment in his favour had been enforced in full and he did not want to pursue his application further. Therefore, he requested the Court to strike his case out of the its list.

Having regard to Article 37 § 1 (a) of the Convention, the Court concludes that the applicant no longer intends pursuing 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

A.B. BAKA
President

[1] Around EUR 3,970