CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FIRST SECTION

DECISION

Leonid Grigoryevich YAKUSHKIN, (no. 37928/02), Sergei Razmikovich OGANESYAN (no. 3094/03), Aleksandr Glebovich ZORIN (no. 3941/03), Gennadiy Vladimirovich KAZAKOV (no. 4979/03), Andrey Vasilyevich FONYAKOV (no. 5356/03), Maksim Nikolayevich NEKRASOV (no. 5363/03), Aleksandr Anatolyevich Grinenko (no. 5381/03)
against Russia

The European Court of Human Rights (First Section), sitting on 28 October 2004 as a Chamber composed of:

Mr C.L. ROZAKIS, *President*,
Mrs F. TULKENS,
Mrs N. VAJIĆ,
Mrs S. BOTOUCHAROVA,
Mr A. KOVLER,
Mr V. ZAGREBELSKY,
Mrs E. STEINER, *judges*,
and Mr S. NIELSEN, *Section Registrar*,

Having regard to the above applications lodged, as regards the first applicant, on 23 September 2002, and, as regards other six applicants, on 27 December 2002,

Having regard to the Court's decision to apply the procedure under Article 29 § 3 of the Convention and examine the admissibility and merits of these cases together,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicants,

Having deliberated, decides as follows:

THE FACTS

The applicants are Russian nationals and live in Russia. The respondent Government are represented by Mr P. A. Laptev, the 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 applicants are entitled to pecuniary awards against the State, as adjudicated, as regards the first applicant, on 28 May 2002 by the Tambov Region Oktyabrskiy District Court, and, as regards the other six applicants, on 18 September 2002 by the Military Court of the North-Caucasus Command.

All applicants submit that the court judgments in their favour for a long period of time remained unexecuted.

COMPLAINTS

Under Articles 6 of the Convention and Article 1 of Protocol No. 1 to the Convention the applicants complain about the non-enforcement of judgments in their favour.

LAW

On 30 June and 7 September 2004 the applicants informed the Court that they wished to withdraw their applications. As follows from the documents submitted by the parties, the outstanding amounts due to the applicants had been paid to them. Moreover, the respondent Government is ready to pay a compensation for the non-pecuniary damage caused by the lengthy non-enforcement of the court judgments.

The Court notes that the applicants do not intend to pursue their application within the meaning of Article 37 of the Convention, which, in so far as material, reads:

> "1. 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; ...
>
> However, the Court shall continue the examination of the application if respect for human rights as defined in the Convention and the Protocols thereto so requires."

The Court considers that respect for human rights as defined in the Convention and its Protocols does not require it to continue the examination of the case.

In these circumstances it considers that the application to the case of Article 29 § 3 of the Convention should be discontinued and that the cases should be struck out of the list in accordance with Article 37 § 1 (a) of the Convention.

For these reasons, the Court unanimously

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

Søren NIELSEN
Registrar

Christos ROZAKIS
President