CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

SECOND SECTION

DECISION

Application no. 29183/04
by Igor Yevgenovych ZAZULYA
against Ukraine

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

Mr J.-P. COSTA, *President*,
Mr I. CABRAL BARRETO,
Mr V. BUTKEVYCH,
Mrs A. MULARONI,
Mrs E. FURA-SANDSTRÖM,
Ms D. JOČIENĖ,
Mr D. POPOVIĆ, *judges*,

and Mr S. NAISMITH, *Deputy Section Registrar*,

Having regard to the above application lodged on 14 July 2004,

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 Igor Yevgenovych Zazulya, is a Ukrainian national, who was born in 1949 and lives in the city of Lviv, Ukraine.

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

The applicant is a judge of the Appellate Court of the Lviv Region.

On 21 June 2002 the Pecherskiy Local Court ordered the Ministry of Finance of Ukraine to pay the applicant UAH 6,186.55 in salary arrears and

other payments. On 30 September 2002, the Appellate Court of Kyiv upheld the judgment of the first instance court and it became final.

On 22 December 2003 the Pecherskiy Local Bailiffs' Service returned the writ of execution to the applicant on the ground that the State budget did not provide for the costs of enforcement of the judgment. The applicant challenged this decision in the Pecherskiy Local Court. On 26 May 2004 the court found in part for the applicant and reopened the enforcement proceedings.

On 27 December 2004 the applicant received the full amount awarded to him by the judgment of 21 June 2002.

COMPLAINT

The applicant originally complained under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 about the non-enforcement of the judgment of the Pecherskiy Local Court of 21 June 2002.

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 16 February 2005. By letter of 11 May 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 its list.

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

J.-P. COSTA
President