



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

FIRST SECTION

DECISION

Application no. 17151/06
Galina Nikolayevna VOLOSNOVA
against Russia

The European Court of Human Rights (First Section), sitting on 27 November 2012 as a Committee composed of:

Nina Vajić, *President*,

Khanlar Hajiyev,

Erik Møse, *judges*,

and André Wampach, *Deputy Section Registrar*,

Having regard to the above application lodged on 18 January 2006,

Having deliberated, decides as follows:

THE FACTS

The applicant, Ms Galina Nikolayevna Volosnova, was a Russian national, who was born in 1959 and lived in Neryungri.

The Russian Government (“the Government”) was represented by Mr G. Matyushkin, 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.

By a decision of the Neryungri Town Court of 6 June 2003, which came into force on the 11 August 2003, the applicant was awarded 106,984.50 Russian Roubles (RUB) to be paid by the Ministry of Finance of the Russian Federation as compensation for the State’s failure to provide her with a car in accordance with a contract concluded in 1990.

On 7 December 2006 the Presidium of the Supreme Court of Yakutiya quashed the above mentioned judgment and sent the case back to the Neryungri Town Court.

On the 3 January 2007 the applicant died.

COMPLAINTS

The applicant complained under Article 6 of the Convention and Article 1 of Protocol no. 1 about non-enforcement of the trial judgment in her favour.

THE LAW

The Court notes that in a number of cases in which an applicant died in the course of the proceedings, it has taken into account the statements of the applicant's heirs or of close family members expressing the wish to pursue the proceedings before the Court (see, among other authorities, *Deweert v. Belgium*, 27 February 1980, § 37, Series A no. 35; *Vocaturo v. Italy*, 24 May 1991, § 2, Series A no. 206-C; *Pandolfelli and Palumbo v. Italy*, 27 February 1994, § 2, Series A no. 231-B; *Malhous v. the Czech Republic* (dec.), no. 33071/96, ECHR 2000-XII; and *Dalban v. Romania* [GC], no. 28114/95, § 39, ECHR 1999-VI).

None of the applicant's relatives informed the Court of their own motion about their wish to pursue the application on the applicant's behalf (see, by contrast, all the cases cited above).

Following its established practice in similar circumstances (see *Scherer v. Switzerland*, 25 March 1994, § 31, Series A no. 287; *Karner v. Austria*, no. 40016/98, § 23, ECHR 2003-IX; and *Thevenon v. France* (dec.), no. 2476/02, ECHR 2006-III), the Court considers that the present application should be struck out of its list in accordance with Article 37 § 1 of the Convention.

It discerns no special circumstances in the present case regarding respect of the rights guaranteed by the Convention and its Protocols, which necessitate proceeding with the examination of the complaints raised (see, by contrast, *Karner*, cited above, § 27).

For these reasons, the Court unanimously

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

André Wampach
Deputy Registrar

Nina Vajić
President