



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

FOURTH SECTION

DECISION

Application no. 38033/04  
by Maria ROIBU  
against Moldova

The European Court of Human Rights (Fourth Section), sitting on 16 October 2007 as a Chamber composed of:

Mr J. CASADEVALL, *President*,

Mr G. BONELLO,

Mr S. PAVLOVSCHI,

Mr L. GARLICKI,

Ms L. MIJOVIĆ,

Mr J. ŠIKUTA,

Mrs P. HIRVELÄ, *judges*,

and Mr T.L. EARLY, *Section Registrar*,

Having regard to the above application lodged on 30 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 formal declarations accepting a friendly settlement of the case.

Having deliberated, decides as follows:

## THE FACTS

The applicant, Ms Maria Roibu, is a Moldovan national who was born in 1929 and lives in Cupcini. She was represented before the Court by Mr I. Manole and Mr A. Postică, lawyers practising in Chişinău. The Moldovan Government (“the Government”) were represented by their Agent, Mr V. Grosu.

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

The applicant's family was a victim of the Communist repressions of the 1940s.

On an unspecified date in 2002 the applicant instituted civil proceedings against the State, claiming compensation for the illegal nationalisation of the property of her family.

By a final judgment of 20 January 2003 she was awarded 17,300 Moldovan lei (MDL) (approximately 1,158 euros (EUR)); however, that judgment was not enforced until after the communication of the present case to the respondent Government.

## COMPLAINT

The applicant complained under Article 6 § 1 and under Article 1 of Protocol No. 1 to the Convention about the failure to enforce the final judgment in her favour.

## THE LAW

On 18 December 2006 the parties submitted to the Court signed declarations accepting a friendly settlement agreement, according to which the Government had undertaken to pay the applicant, within three months from the adoption of a strike-out decision by the Court, EUR 893 in respect of any damage suffered by the applicant as a result of the late enforcement of the final judgment in her favour. The parties declared that the agreement constituted a final resolution of the case and requested the Court to strike the application out of the list of cases.

The Court takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and its Protocols and finds no reasons to justify a continued examination of the application (Article 37 § 1 *in fine* of the Convention). Accordingly, Article 29 § 3 of the Convention should no longer apply to the case and it should be struck out of the list.

For these reasons, the Court unanimously

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

T.L. EARLY  
Registrar

Josep CASADEVALL  
President