

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

FIFTH SECTION

DECISION

Applications nos. 15124/16 and 28541/20
Oleksandr Grygorovych CHEREDA against Ukraine
and Zybiy Prokopovych BILOUS against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 7 November 2024 as a Committee composed of:

Diana Sârcu*, President*,
Kateřina Šimáčková,
Mykola Gnatovskyy*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above applications lodged on 3 March 2016 and 11 June 2020, respectively,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The first applicant (application no. 15124/16), Mr Oleksandr Grygorovych Chereda, was born in 1977, and lives in Kyiv. He was represented by Mr Shnyagin, a lawyer also practicing in Kyiv. The second applicant (application no. 28541/20), Mr Zybiy Prokopovych Bilous, was born in 1938, and lives in Chervona Dibrova, Chernivtsi Region. The second applicant was allowed to represent himself in the proceedings before the Court.

The applicants' cases concern the invalidation of their title to plots of land following an action by a prosecutor; the land was returned into State property. In that respect the applicants complained under Article 1 of Protocol No. 1 to the Convention.

As to the first applicant, before the communication of the case to the Government, the Court had established contact with him by phone; he confirmed that he had still been represented by the same lawyer but wished to create an account with the Court's Electronic Communications Service (eComms) using his own email address. He failed to do so and the Court's further attempts to reach him by phone were futile.

By letters of 28 June 2024, sent via registered mail both to the first applicant and his lawyer, the Court warned the first applicant that his case

could be struck out of the list. The letter addressed to the first applicant's lawyer returned undelivered. The letter addressed to the first applicant was delivered in July 2024, but no reply has followed.

In the second applicant's case, the Court was able to establish contact with him first by post and later via eComms. The Court's letter enclosing the Government's observations which was sent by eComms in April 2024 was downloaded by the second applicant, but no reply has followed.

By letter of 9 August 2024, sent via eComms, the Court warned the second applicant that the time-limit for submission of his observations had expired and that his case could be struck out of the list. The applicant was given a deadline until 6 September 2024 to confirm whether he has still been interested in pursuing his application. The letter was downloaded from the eComms but did not generate a reply.

THE LAW

Having regard to the similar procedural conduct of the applicants, the Court finds it appropriate to examine the applications jointly in a single decision.

In the light of the foregoing, and in the absence of any special circumstances regarding respect for the rights guaranteed by the Convention and the Protocols thereto, the Court, in accordance with Article 37 § 1 (a) of the Convention, considers that it is no longer justified to continue the examination of the applications (see *Bryska and Others v Ukraine* [Committee] (dec.), nos. 11706/13 and 5 others, 2 November 2023, and *Zhadan and Others v Ukraine* [Committee] (dec.), no. 29283/13 and 26 others, 14 December 2023).

Accordingly, the cases should be struck out of the list.

The Court reiterates that under Article 37 § 2 of the Convention it may decide to restore an application to its list of cases if it considers that the circumstances justify such a course.

For these reasons, the Court, unanimously,

Decides to join the applications;

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

Done in English and notified in writing on 28 November 2024.

Viktoriya Maradudina Acting Deputy Registrar	Diana Sârcu President