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

FIRST SECTION

DECISION

Application no. 44959/09
Valentina Aleksandrovna DANILENKO and Konstantin Viktorovich SHUMIKHIN
against Russia

The European Court of Human Rights (First Section), sitting on 2 June 2015 as a Committee composed of:
Mirjana Lazarova Trajkovska, *President,*
Paulo Pinto de Albuquerque,
Ksenija Turković, *judges,*
and André Wampach, *Deputy Section Registrar,*
Having regard to the above application lodged on 25 July 2009,
Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicants, Ms Valentina Aleksandrovna Danilenko and Mr Konstantin Viktorovich Shumikhin, are Russian nationals, who were born in 1949 and 1976 respectively and live in Taganrog and Nikolayevka. They were represented before the Court by Mr V.B. Gusev, a lawyer practising in Taganrog.

The Russian Government ("the Government") were represented by their Agent, Mr G. Matyushkin, Representative of the Russian Federation at the European Court of Human Rights.

The applicants complained under Article 2 of the Convention about the police's failure to comply with their duty to protect the applicants' relative life.

The applicants' complaints under Article 2 of the Convention were communicated to the Government, who submitted their observations on the admissibility and merits. The observations were forwarded to the applicants, who were invited to submit their own observations. No reply was received to the Registry's letter.

By letter dated 5 November 2014, sent by registered post, the applicants' representative was notified that the period allowed for submission of their observations had expired on 17 September 2014 and that no extension of time had been requested. The applicants' representative's attention was drawn to Article 37 § 1 (a) of the Convention, which provides that the Court may strike a case out of its list of cases where the circumstances lead to the conclusion that the applicant does not intend to pursue the application. The letter was returned to the Court as unclaimed.

By second letter dated 21 January 2015, sent by registered post, the first applicant was notified that the period allowed for submission of their observations had expired on 17 September 2014 and that no extension of time had been requested. The applicants' attention was drawn to Article 37 § 1 (a) of the Convention, which provides that the Court may strike a case out of its list of cases where the circumstances lead to the conclusion that the applicant does not intend to pursue the application. The letter was also returned to the Court as unclaimed.

THE LAW

The Court considers that, in these circumstances, the applicants may be regarded as no longer wishing to pursue their application, within the meaning of Article 37 § 1 (a) of the Convention. 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 continued examination of the case.

In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court, unanimously,

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

Done in English and notified in writing on 25 June 2015.

André Wampach
Deputy Registrar

Mirjana Lazarova Trajkovska
President