

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

FIFTH SECTION

DECISION

Application no. 56428/07
Shemsunur EMIROVA
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 19 May 2022 as a Committee composed of:

Stéphanie Mourou-Vikström, *President,*
Ivana Jelić,
Kateřina Šimáčková, *judges,*

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 15 December 2007,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Ms Shemsunur Emirova, was born in 1951. She was represented by Mr A.L. Lesovoy, a lawyer practising in Simferopol.

The applicant's complaint under Article 6 of the Convention concerning the alleged breach of the principle of equality of arms in civil proceedings in view of the applicant's absence from hearings at the second-instance court was communicated to the Ukrainian Government ("the Government").

In May 2014 the Court transmitted the Government's observations on the admissibility and merits to the applicant's representative inviting him to submit his reply together with the just satisfaction claim by 1 July 2014. This letter returned undelivered on 12 August 2015. The subsequent warning letter returned undelivered as well. The applicant's representative did not reply to the Court's email of 30 October 2014.

On 15 November 2016 the Court adjourned examination of the present application, as it had no possibility to correspond with the applicant and her representative.

On 27 October 2020 the Registry re-established the contact with the applicant's representative, using a telephone number which he had provided in another case. The representative confirmed his mandate and readiness to represent the applicant.

On 29 October 2020 the Registry sent a letter to the applicant's representative via the Court's Electronic Communication Service (eComms), inviting him to submit his reply to the Government's observations by 30 November 2020. The applicant's representative's attention was drawn to Article 37 § 1 (a) of the Convention, which provides that the Court may strike an application out of its list of cases where the circumstances lead to the conclusion that the applicant does not intend to pursue the application. The applicant's representative did not reply.

On 27 January 2021 the Registry called the applicant's representative, who informed that he had lost contact with the applicant.

On 1 December 2021 the Registry called the applicant's representative, who confirmed that he had not re-established contact with the applicant.

THE LAW

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 application.

Accordingly, the case should be struck 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 15 September 2022.

Viktoriya Maradudina Acting Deputy Registrar	Stéphanie Mourou-Vikström President