

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

FIFTH SECTION

DECISION

Application no. 14011/08
Viktor Kirsanovich GEYEV and Victor Victorovich GEYEV
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 26 March 2013 as a Committee composed of:
Angelika Nußberger, *President,*
Ganna Yudkivska,
André Potocki, *judges,*
and Stephen Phillips, *Deputy Section Registrar,*
Having regard to the above application lodged on 5 March 2008,
Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicants, Mr Viktor Kirsanovich Geyev and Mr Victor Victorovich Geyev, are Ukrainian nationals, who were born in 1950 and 1927 respectively and live in Kirovskoye.

The Ukrainian Government ("the Government") were represented by their Agent, Mr Nazar Kulchytskyy, of the Ministry of Justice.

The applicants complained that the investigation of the circumstances of their relative's death was not effective for the purpose of Article 2 of the Convention. The applicants further complained under Article 13 of the Convention that they had had no effective remedies in respect of their complaint under Article 2 of the Convention. The applicants also complained of a violation of Article 1 of Protocol No. 1 on account of the ineffectiveness of the investigation.

The applicants' complaints under Articles 2 and 13 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 8 November 2012, sent by registered post, the applicants were notified that the period allowed for submission of their observations had expired on 2 August 2012 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 sent back unopened and reached the Court on 15 January 2013.

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.

Stephen Phillips
Deputy Registrar

Angelika Nußberger
President