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

FIFTH SECTION

DECISION

Application no. 4928/08
Viktor Mykolayovych KALYUGA
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 21 September 2017 as a Committee composed of:

Nona Tsotsoria, *President,*
Gabriele Kucsko-Stadlmayer,
Lətif Hüseynov, *judges,*

and Liv Tigerstedt, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 8 December 2007,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Viktor Mykolayovych Kalyuga, was born in 1937 and lives in Zaporizhya.

The applicant's complaints under Articles 6 § 1 and 13 of the Convention concerning the excessive length of civil proceedings and the lack of any effective remedy in domestic law as well as under Articles 6 § 1 and 13 of the Convention and Article 1 of the Protocol No. 1 concerning the non-enforcement or delayed enforcement of domestic decisions and the lack of any effective remedy in domestic law were communicated to the Ukrainian Government ("the Government"), who submitted observations on the admissibility and merits.

By a letter of 17 October 2016, which remained unanswered, the applicant was requested to submit his comments in reply to the Government's observations.

By letter dated 31 January 2017, sent by registered post, the applicant was notified that the period allowed for submission of his observations had expired on 28 November 2016 and that no extension of time had been

requested. The applicant'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. That letter was returned back to the Registry on 6 July 2017 as "*non-réclamé*", the applicant having failed to collect it from the post office.

THE LAW

In the light of the foregoing, the Court concludes that the applicant may be regarded as no longer wishing to pursue the application (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 the Protocols thereto which require the continued 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 12 October 2017.

Liv Tigerstedt
Acting Deputy Registrar

Nona Tsotsoria
President