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

FIFTH SECTION

DECISION

Application no. 18320/09
Mykola Demyanovych KHADZHYRADOV and Vira Petrivna KHADZHYRADOVA
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 10 October 2017 as a Committee composed of:

Nona Tsotsoria, *President,*
Síofra O'Leary,
Lətif Hüseynov, *judges,*

and Anne-Marie Dougin, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 20 March 2009,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicants, Mr Mykola Demyanovych Khadzhyradov and Ms Vira Petrivna Khadzhyradova, are Ukrainian nationals, who were born in 1941 and 1949 respectively, and live in Tashchenak. They were represented before the Court by Mr O.G. Kuzmenko, a lawyer practising in Melitopol.

The applicants' complaints under Article 2 of the Convention concerning the death in prison of their seriously ill son were communicated to the Ukrainian Government ("the Government"), who were represented by their Agent, Mr Mr I. Lishchyna, of the Ministry of Justice.

The Government's observations on the admissibility and merits were forwarded to the applicants' representative, who was invited to submit observations on behalf of the applicants. No reply was received to the Registry's correspondence.

By letters dated 23 May 2017, sent by registered post, both the applicants and their representative were notified that the period allowed for submission of their observations had expired on 13 March 2017 and that no extension of

time had been requested. Their attention was drawn to Article 37 § 1 (a) of the Convention.

The letter sent to the applicant's representative was delivered to the destination post office on 6 June 2017. However, the letter was returned to the Registry on 12 July 2017 with an indication that it had not been collected from the post office.

The letter sent to the applicants was, according to the delivery receipt, served on them on 3 June 2017. However, no reply has been received.

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 2 November 2017.

Anne-Marie Dougin Acting Deputy Registrar	Nona Tsotsoria President