

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

SECOND SECTION

DECISION

Applications nos. 44673/07 and 47495/07
Sokol KOCIU against Albania
and Arben BERBALLA against Albania

The European Court of Human Rights (Second Section), sitting on 7 November 2017 as a Committee composed of:

Julia Laffranque, *President,*
Paul Lemmens,
Valeriu Griţco, *judges,*

and Hasan Bakirci, *Deputy Section Registrar,*

Having regard to the above applications lodged on 28 September 2007 and 11 October 2007 respectively,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicants are Albanian nationals, who were born respectively in 1961 and 1960. Their current whereabouts are unknown.

The Government were represented by their Agent, Ms A. Hicka of the State's Advocate Office.

Mr Ledi Bianku, the judge elected in respect of Albania, withdrew from sitting in the case (Rule 28).

The applicants' complaints were communicated to the respondent Government on 3 April 2017.

The applicants' complain about the unfairness of the proceedings under Article 6 § 1 taken in conjunction with Article 6 § 3 (d) of the Convention, the alleged lack of impartiality of the Constitutional Court's and the Supreme Court's judges under Article 6 § 1 of the Convention, and a breach of the right to respect for private life under Article 8 of the Convention.

The Government submitted their observations on the admissibility and merits of the cases.

The Court's letter dated 3 April 2017, informing the applicants about the communication of their cases, were sent to their address in prison, as provided in the application form. None of the applicants had a representative. The letters were returned with a note "removed" *("larguar")*.

The applicants have not to date resumed their correspondence with the Court.

On 24 July 2017 the Government informed the Court that both applicants were released on parole on 20 May and 2 October 2009, respectively. In addition, the Government withdrew the Court's attention to the fact that none of the applicants informed the Court about these new developments.

THE LAW

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision from the standpoint of Article 37 of the Convention which, insofar as relevant part, provides as follows:

> "1. The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that
>
> (a) the applicant does not intend to pursue his application; or
>
> ....
>
> (c) for any other reason established by the Court, it is no longer justified to continue the examination of the application ..."

Having regard to the new information received after the notice of the applications had been given to the respondent Government, the Court considers that Article 37 § 1 of the Convention should be applied.

The Court also recalls that, pursuant to Rule 47 § 7 of the Rules of Court, "applicants shall keep the Court informed of any change of address and of all circumstances relevant to the application". In this respect, it is to be noted that the applicants have failed to respond to correspondence from the Court or to inform the latter on new developments and change of their addresses.

The Court considers that, in these circumstances, the applicants may be regarded as no longer wishing to pursue their applications, 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 cases.

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

For these reasons, the Court, unanimously,

Decides to join the applications;

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

Done in English and notified in writing on 30 November 2017.

Hasan Bakırcı
Deputy Registrar

Julia Laffranque
President