

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

THIRD SECTION

DECISION

Application no. 8133/05
Galina Sergeyevna KOLESNIKOVA
against Russia

The European Court of Human Rights (Third Section), sitting on 1 March 2016 as a Committee composed of:

Helen Keller, *President,*
Johannes Silvis,
Alena Poláčková, *judges,*
and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 17 January 2005,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Ms Galina Sergeyevna Kolesnikova, was a Russian national, who was born in 1921 and lived in Mytishchi, Moscow Region. She was represented before the Court by Ms M.G. Misakyan, a lawyer practising in Moscow. The applicant died in the course of the proceedings before the Court.

The Russian Government ("the Government") were represented by Ms V. Milinchuk and Mr G. Matyushkin, both Representatives of the Russian Federation at the European Court of Human Rights.

The applicant complained under Article 6 § 1 of the Convention that the civil proceedings in the case concerning her old-age pension exceeded the reasonable time requirement. Under the same Convention provision she complained about the unfairness of those proceedings.

The applicant's complaint concerning the excessive length of civil proceedings was communicated to the Government, and the parties submitted their observations on the admissibility and merits.

On 6 April 2015 the Government submitted a unilateral declaration aimed at resolving the issue raised by the application. The unilateral declaration was forwarded to the applicant.

By letter dated 20 May 2015, the applicant's representative informed the Court that the applicant had passed away according to the information from the Ministry of Social Security of Moscow Region.

The representative was requested to submit by 1 September 2015 documents confirming the applicant's death and information about the applicant's heirs or close relatives wishing to pursue the application.

By letter dated 24 August 2015 the representative informed the Court that she could neither submit documents pertaining to the applicant's death nor had she any contact with the relatives of the applicant.

On 9 September 2015 the representative was notified that the period allowed for submission of information concerning the heirs wishing to pursue the application had expired and that no extension of time had been requested. Her 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. Copy of this letter was sent to the applicant's family members at her last known address. No reply was received to the Registry's letter.

THE LAW

It has been the Court's practice to strike applications out of the list of cases under Article 37 § 1 of the Convention in the absence of any heir or close relative who has expressed the wish to pursue an application (see *Léger v. France* (striking out) [GC], no. 19324/02, § 44, 30 March 2009). Similarly, in the present case it appears that the applicant died in the course of the proceedings before the Court. No heirs or close relatives have expressed the wish to pursue the application on her behalf. 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 24 March 2016.

Marialena Tsirli
Deputy Registrar

Helen Keller
President