

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

FIFTH SECTION

DECISION

Application no. 26867/05
Petro Vikentiyovych LYSAK 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 13 July 2005,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Petro Vikentiyovych Lysak, was a Ukrainian national who was born in 1955 and lived in Torez.

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

The applicant mainly complained of the prolonged non-enforcement of the domestic decisions in his favour. The complaints under Articles 6 § 1, 13 of the Convention and Article 1 of Protocol No. 1 were communicated to the Government for information.

By letter dated on 1 September 2011, the Government informed the Registry that the applicant had died. A copy was sent to the applicant's address for any comment. No reply was received.

By letter sent on 9 November 2012 by registered post to the deceased applicant's address preceded by the mention "To whom it may concern", the

Registry notified that no reply had been received to the Court's previous correspondence and a new time-limit for any comment was given. The recipient's 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 came back to the Court with the mention "Décédé" on the envelope.

THE LAW

The Court notes that the applicant has died and that no heir has requested permission to pursue the application. In the circumstances it finds that it is no longer justified to continue the examination of the application pursuant to Article 37 § 1 (c) 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 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