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

SECOND SECTION

DECISION

Application no. 34817/07
Novica ŠĆEPANOVIĆ
against Montenegro

The European Court of Human Rights (Second Section), sitting on 13 December 2016 as a Committee composed of:

Valeriu Griţco, *President,*
Nebojša Vučinić,
Stéphanie Mourou-Vikström, *judges,*
and Hasan Bakırcı, *Deputy Section Registrar,*

Having regard to the above application lodged on 7 August 2007,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Novica Šćepanović, is a Montenegrin national, who was born in 1930 and lived in Belgrade, Serbia. On 8 October 2013 the applicant died. According to the Court's case-law when the direct victim dies after the application was lodged with the Court, the applicant's heirs may pursue the application provided that they have legitimate interest in maintaining the request on behalf of the deceased (for, *mutatis mutandis*: *Ergezen v. Turkey*, no. 73359/10, § 28-30, 8 April 2014). In the present case the applicant's daughter, legal heir of the applicant, showed such interest which gives her the requisite standing under Article 34 of the Convention to pursue this application. The term "applicant" will, hence, be used while referring to Ms Ljiljana Šćepanović.

The Montenegrin Government ("the Government") were represented by their Agent, Ms Valentina Pavličić.

The applicant complained of the excessive length of civil proceedings under Article 6 § 1 of the Convention.

The applicant's complaints under Article 6 were communicated to the Government on 3 December 2014, who submitted their observations on the admissibility and merits. The observations were forwarded to the applicant, who was invited to submit her own observations.

By a fax letter dated 2 September 2016 the applicant informed the Court that she wished to withdraw her application.

By letter dated 12 September 2016, sent by registered post, the applicant was notified that the Court had received her fax letter, that her request was noted and that the Government had been informed about it.

THE LAW

The Court considers that the applicant clearly indicated that she no longer wishes to pursue her 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 19 January 2017.

Hasan Bakırcı
Deputy Registrar

Valeriu Griţco
President