

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

THIRD SECTION

DECISION

Application no. 14700/06
Igor Vyacheslavovich SHCHERBAK
against Russia

The European Court of Human Rights (Third Section), sitting on 31 May 2016 as a Committee composed of:
Helena Jäderblom, *President,*
Dmitry Dedov,
Branko Lubarda, *judges,*
and Stephen Phillips, *Section Registrar,*
Having regard to the above application lodged on 26 February 2006,
Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Igor Vyacheslavovich Shcherbak, is a Russian national, who was born in 1959 and lives in Voronezh. He was represented before the Court by Mr I.V. Sivoldayev, a lawyer practising in Voronezh.

The Russian Government ("the Government") were represented by Mr G. Matyushkin, Representative of the Russian Federation to the European Court of Human Rights.

The applicant complained under Article 6 of the Convention and Article 1 of Protocol No. 1 to the Convention about quashing by way of supervisory review of the final judgment awarding him pension arrears and food allowance. He further complained about the non-enforcement of the same judgment prior to its quashing.

By letter of 26 January 2016 the applicant's representative informed the Registry that the applicant had died on 15 October 2014 and that the late applicant's wife wished to continue the proceedings before the Court in his stead.

By letter dated 10 February 2016, sent by registered post, the late applicant's representative was requested to submit before 5 April 2016 documents in respect of the acceptance of the late applicant's succession by his wife and the signed authority form (see *Belskiy v. Russia*, (dec.), no. 23593/03, 26 November 2009, and most recent *Shurygina v. Russia*, [Committee], nos. 2982/05, 5991/05, 9546/05 and 24130/06, § 16, 15 March 2016). The late applicant's representative's attention was drawn to Article 37 § 1 (c) 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 for any other reason established by the Court, it is no longer justified to continue the examination of the application.

On 4 April 2016 the late applicant's representative submitted a signed authority form. However, he failed to submit documents in respect of the acceptance of the late applicant's succession without any explanation. Nor did he request time extension for submitting missed documents.

The Court does not consider that "respect for human rights, as defined in the Convention and the Protocols" requires the examination of this application, despite the applicant's death.

THE LAW

In the light of the above, the Court concludes that it is no longer justified to continue the examination of the application and concludes, under Article 37 § 1 (c) of the Convention, that it should be struck out of its list of 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.

Done in English and notified in writing on 23 June 2016.

Stephen Phillips
Registrar

Helena Jäderblom
President