

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

FIFTH SECTION

DECISION

Applications nos. 34227/05 and 26578/06
Vladimir Mikhaylovich SHEIN against Ukraine
and Grigoriy Denisovich POKOTILO 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 applications lodged on 9 September 2005 and 31 May 2006 respectively,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The first applicant (application no. 34227/05), Mr Vladimir Mikhaylovich Shein was born in 1957. The second applicant (application no. 26578/06), Mr Grigoriy Denisovich Pokotilo was born in 1928. They lived in Kharkiv and Poltava, respectively. They were both Ukrainian nationals.

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

The applicants mainly complained of the prolonged non-enforcement of the domestic decisions in their favour. The complaints under Articles 6 § 1, 13 of the Convention and Article 1 of Protocol No. 1 were communicated to the Government under Rule 54 § 2 (b) of the Rules of Court, in the first case

without request for written observations as to the admissibility and merits of the case and in the second case for the Government's observations.

By letter dated on 12 July 2011, the Government informed the Registry that the applicants had died. A copy was sent to the applicants' indicated addresses for any comment. No reply was received.

By letters sent on 9 November 2012 by registered post to the deceased applicants' addresses preceded by the mention "To whom it may concern", the Registry noted that no reply had been received to the Court's previous correspondence and a new time-limit for any comment was given. The readers' 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 letters came back to the Court with the mention "Non-reclamé" on the envelopes.

THE LAW

The Court notes that the applicants have died and that no heirs have requested permission to pursue the applications. In the circumstances it finds that it is no longer justified to continue the examination of the applications 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 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.

Stephen Phillips
Deputy Registrar

Angelika Nußberger
President