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

FIFTH SECTION

DECISION

Application no. 58037/12
Lyubov Mykolayivna TKACHOVA and Alyona Yuriyivna TKACHOVA
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 22 June 2023 as a Committee composed of:

Carlo Ranzoni*, President*,
Mattias Guyomar,
Mykola Gnatovskyy*, judges*,

and Martina Keller, *Deputy Section Registrar,*

Having regard to the above application lodged on 6 August 2012,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicants, Ms Lyubov Mykolayivna Tkachova and Ms Alyona Yuriyivna Tkachova, are Ukrainian nationals, who were born in 1955 and 1988 respectively and live in Pisochyn. They were represented before the Court by Mr K.G. Sklyarov, a lawyer practising in Kharkiv.

The applicants' complaints under Article 6 § 1 of the Convention concerning the domestic courts' refusal to examine the merits of their claim were communicated to the Ukrainian Government ("the Government"), who submitted observations on the admissibility and merits.

By letter dated 22 September 2021, sent through the Court's Electronic Communications Service (eComms), the Government's observations were forwarded to the applicants' lawyer, and he was invited to submit by 3 November 2021 the written observations on behalf of the applicants, together with any claims for just satisfaction. The Court's correspondence sent through eComms was downloaded by the applicant's lawyer on the same day (22 September 2021). However, no response has followed.

By letter dated 20 January 2022 and sent by registered post, the applicant's lawyer was notified that the period allowed for submission of the observations had expired on 3 November 2021 and that no extension of time

had been requested. His attention was drawn to Article 37 § 1 (a) of the Convention, which provides that the Court may strike an application out of its list of cases where the circumstances lead to the conclusion that the applicant does not intend to pursue the application. This letter returned to the Registry undelivered on 17 June 2022 as not having been collected from the post office (*non-réclamé*).

THE LAW

The Court considers that, in these circumstances, the applicants may be regarded as no longer wishing to pursue their 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 13 July 2023.

Martina Keller Deputy Registrar	Carlo Ranzoni President