



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

FIFTH SECTION

DECISION

Application no. 610/05
Anatoliy Viktorovich DVIRNYY
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 27 March 2012 as a Committee composed of:

Mark Villiger, *President*,

Ganna Yudkivska,

André Potocki, *judges*,

and Stephen Phillips, *Deputy Section Registrar*,

Having regard to the above application lodged on 29 December 2004,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Anatoliy Viktorovich Dvirnyy, is a Ukrainian national who was born in 1976 and lives in Artsyz. The Ukrainian Government (“the Government”) were represented by their Agent, Ms Valeria Lutkovska.

The applicant complained under Article 3 of the Convention about his alleged ill-treatment during a special police force training in December 2003 in Zamkova Prison no. 58 where he had been detained at the material time.

On 24 March 2011 the application was communicated to the Government. The Court informed the applicant, who was represented by his mother, about the necessity to be represented by an advocate at that stage of the proceedings. It was also decided to grant priority to the application under Rule 41 of the Rules of Court.

The Court reiterated its requirement about the applicant’s legal representation four times, but without effect.

On 1 November 2011 the President of the Section decided that, given the factual and legal complexity of the case, the applicant's representation by a professional lawyer was mandatory.

On 8 November 2011 the Court informed the applicant of the above decision and warned him that, in case of his failure to appoint a lawyer, the Court might conclude that he was no longer interested in pursuing the application and decide to strike it out of its list of cases.

On 21 November 2011 the applicant confirmed his intention to maintain the application, but did not comply with or comment on the legal representation requirement.

THE LAW

The Court finds that it cannot continue the examination of the present application without the appropriate legal representation of the applicant. It recalls that the applicant received numerous reminders on the subject and the warning that his application might be struck out of the list.

In these circumstances and having regard to Article 37 § 1 (c) of the Convention, the Court concludes that it is no longer justified to continue the examination of the application (see for example, *Ivanchenko v. Ukraine* (dec.), no. 60726/00, 7 February 2006, and *Grimaylo v. Ukraine* (dec.), no. 69364/01, 7 February 2006).

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.

Stephen Phillips
Deputy Registrar

Mark Villiger
President