

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

FIFTH SECTION

DECISION

Application no. 63253/09
A.G.
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 9 April 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 application lodged on 25 November 2009,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant is a Ukrainian national who was born in 1983. The President granted the applicant's request for his identity not to be disclosed to the public (Rule 47 § 3).

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

The applicant complained under Articles 2 and 3 of the Convention that the authorities failed to carry out an effective investigation of the circumstances in which he sustained a life-threatening injury. The applicant further complained under Articles 6 and 13 of the Convention that the ineffective conduct of the proceedings in question prevented him from obtaining compensation.

The above complaints were communicated to the Government, who submitted their observations on the admissibility and merits. The

observations were forwarded to the applicant, who was invited to submit his own observations. No reply was received to the Registry's letter.

By letter dated 8 November 2012, sent by registered post, the applicant was notified that the period allowed for submission of his observations had expired on 20 July 2012 and that no extension of time had been requested. The applicant's 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 applicant received this letter on 21 November 2012. However, no response has been received.

THE LAW

The Court considers that, in these circumstances, the applicant may be regarded as no longer wishing to pursue his 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.

Stephen Phillips
Deputy Registrar

Angelika Nußberger
President