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

FIFTH SECTION

DECISION

Application no. 25236/16
Pavlo Valeriyovych CHERNATA
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 8 September 2022 as a Committee composed of:

Stéphanie Mourou-Vikström*, President,*
Ivana Jelić*,*
Kateřina Šimáčková*, judges,*
and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having regard to the above application lodged on 27 April 2016,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Pavlo Valeriyovych Chernata, is a Ukrainian national, who was born in 1979 and lives in Vinnytsya. He was declared legally incapacitated, and his wife was appointed as his guardian. He was represented before the Court by Mr V.V. Bilan, a lawyer practising in Vinnytsya.

The applicant's complaints under Article 3 of the Convention were communicated to the Ukrainian Government ("the Government"). They concerned the authorities' failure to account for serious injuries sustained by the applicant in the police custody in 2010, because of which he was declared legally incapacitated. Questions posed to the Government also concerned the State's compliance with its duty to protect the physical well-being of a detained person and its procedural obligation to carry out an effective investigation into an arguable claim of ill-treatment.

No response was received from the applicant party to the Registry's letter sent on 10 January 2022 (received by his lawyer on 31 January 2022), reminding that the period allowed for submission of the reply to the Government's observations had expired on 24 October 2021 and that no extension of time had been requested. The applicant party's attention was drawn to Article 37 § 1 (a) of the Convention.

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.

Accordingly, the case should be struck 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 29 September 2022.

Viktoriya Maradudina Acting Deputy Registrar	Stéphanie Mourou-Vikström President