

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

FIFTH SECTION

DECISION

Application no. 27520/05
by Sergiy Vitaliyovych CHOBITKO
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 3 November 2011 as a Committee composed of:

Boštjan M. Zupančič, *President,*
Ganna Yudkivska,
Angelika Nußberger, *judges,*

and Stephen Phillips, *Deputy Section Registrar,*

Having regard to the above application lodged on 5 July 2005,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Sergiy Vitaliyovych Chobitko, is a Ukrainian national who was born in 1978 and lives in Chornukhy.

The Ukrainian Government ("the Government") were represented by their Agent, Mr Yuriy Zaytsev, succeeded by Ms Valeria Lutkovska.

On 5 July 2010 the applicant's complaints under Articles 3 and 5 of the Convention about his detention and alleged ill-treatment in police custody 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 a registered letter of 5 May 2011 sent to the address, which the applicant indicated for the Court's correspondence with him following his release from prison in June 2009, he was notified that the period allowed for

submission of his observations had expired on 20 January 2011 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 27 May 2011, but has not responded to date.

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

Boštjan M. Zupančič
President