

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

FIFTH SECTION

DECISION

Application no. 39967/07
Natalya Vladimirovna DUDKO
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 22 May 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 21 August 2007,

Having deliberated, decides as follows:

THE FACTS

The applicant, Ms Natalya Vladimirovna Dudko, is a Ukrainian national who was born in 1979 and is currently serving a prison sentence in an unspecified penitentiary in Ukraine. She is represented before the Court by Ms T. Ivashchenko, a lawyer practising in Sumy.

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

The applicant complained under Article 6 §§ 1 and 3 (c) of the Convention of a violation of her right to legal defence on account of the examination of the case by the Supreme Court in the absence of her lawyer.

She sent her first letter to the Court from a pre-trial detention centre. From March 2008 the Registry has been corresponding with the applicant's representative, whose last letter was received on 9 July 2009.

The application was communicated to the Government, who submitted their observations on the admissibility and merits. The observations were forwarded to the applicant's representative, who was invited to submit observations on the applicant's behalf. No reply was received to the Registry's letter.

By letter dated 23 November 2011, sent by registered post, the applicant's representative was notified that the period allowed for submission of her observations had expired on 21 September 2011 and that no extension of time had been requested. Her 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. As confirmed by the post receipt, the letter was received on 1 December 2011. No reply however followed.

THE LAW

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

Mark Villiger
President