

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

FIFTH SECTION

DECISION

Application no. 71120/10
Viktor Dmitriyevich DZHELALI
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 25 September 2012 as a Committee composed of:

Mark Villiger, *President,*
André Potocki,
Paul Lemmens, *judges,*

and Stephen Phillips, *Deputy Section Registrar,*

Having regard to the above application lodged on 26 November 2010,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Viktor Dmitriyevich Dzhelali, is a Ukrainian national, who was born in 1937 and lives in Mariupol. The Ukrainian Government ("the Government") were represented by their Agent, Ms Valeria Lutkovska, of the Ministry of Justice.

The applicant complained that the State allegedly failed to examine part of his claims and to pay him an annual yearly health payment for 2007 – 08 in the amount provided by law. In substance he raised complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to it.

The applicant's complaints above were communicated to the Government, who submitted their observations on the admissibility and merits on 20 January 2012.

By letter dated 24 February 2012, sent by registered post, the applicant was notified that he had not designated a representative as required by

Rule 36 § 4 (a). 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 14 March 2012. However, no response followed.

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	Mark Villiger President