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

FIFTH SECTION

DECISION

Application no. 42244/17
Vyacheslav Eduardovych KHIMIKUS
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 20 January 2022 as a Committee composed of:

Lətif Hüseynov, *President,*
Lado Chanturia,
Arnfinn Bårdsen, *judges*
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 8 June 2017,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Vyacheslav Eduardovych Khimikus, is a Ukrainian national, who was born in 1978 and lives in Dibrova. He was represented before the Court by Ms M. Parinova, a lawyer practising in Kyiv.

On 3 June 2019 the applicant's complaints concerning ineffective investigation into infliction of a gunshot wound on him by a Mr P., raised under Articles 2 and 3 of the Convention, and the alleged breach of the presumption of innocence, raised under Article 6 § 2 of the Convention, were communicated to the Ukrainian Government ("the Government"), who were represented by their then acting Agent, Ms O. Davydchuk, of the Ministry of Justice.

In March 2021 the new developments occurred at the national level. On 9 March 2021 the applicant withdrew his civil claim within the framework of the criminal case against Mr P. On the same date the applicant's representative made a public statement on her Facebook profile that the applicant informed the national court that he had received compensation, forgiven Mr P. and wanted to leave that nightmare behind. The prosecutor's office proceeded with the case.

On 18 March 2021 the Vasylkivsk Court closed the criminal case, finding Mr P. not guilty of infliction of grave bodily harm, as the accusation that he

had intention to inflict the grave bodily harm on the applicant proved to be unfounded. This decision was upheld by the Kyiv Court of Appeal on 16 June 2021. On 8 October 2021 the Supreme Court opened the cassation proceedings.

In October 2021 the Registry asked the applicant's representative to indicate by 25 October 2021 whether the applicant was maintaining his application in view of the above developments. In the affirmative, she was asked to comment on the effect of the above developments on the admissibility of the application. The attention of the applicant's lawyer was drawn to Article 37 § 1 (a) of the Convention. The letter was sent via the Court's Electronic Communications Service (eComms) on 11 October 2021 and downloaded on the same date. The applicant's representative never replied.

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.

Done in English and notified in writing on 10 February 2022.

Viktoriya Maradudina	Lətif Hüseynov
Acting Deputy Registrar	President