

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

FIFTH SECTION

DECISION

Application no. 35543/16
Sergiy Oleksiyovych KUSHCHOV against Ukraine
and 2 other applications
(see appended table)

The European Court of Human Rights (Fifth Section), sitting on 7 November 2024 as a Committee composed of:

Diana Sârcu*, President*,
Kateřina Šimáčková,
Mykola Gnatovskyy*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of the applicants is set out in the appendix.

The applicants' complaints under various Articles of the Convention (see appended table) were communicated to the Ukrainian Government, which submitted observations on the admissibility and merits.

The applicants were required to submit their observations in reply, as well as their just satisfaction claims, however, the contact with the applicants has been lost (see appended table for details).

The applicants' attention was drawn to Article 37 § 1 (a) of the Convention, which provides that the Court may strike an application out of its list of cases where the circumstances lead to the conclusion that the applicant does not intend to pursue the application. No response followed.

THE LAW

Having regard to the similar procedural conduct of the applicants, the Court finds it appropriate to examine the applications jointly in a single decision.

The Court notes that all the available means to contact the applicants have been tried without success. The applicants did not provide the Court with any new contact information which could have allowed the Court to conduct further proceedings.

In the light of the foregoing, the Court concludes that the applicants may be regarded as no longer wishing to pursue the applications (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 the Protocols thereto which require the continued examination of the applications (see *Bryska and Others v. Ukraine* [Committee] (dec.), nos. 11706/13 and 5 others, 23 November 2023).

The Court, however, reiterates that under Article 37 § 2 of the Convention it may decide to restore an application to its list of cases if it considers that the circumstances justify such a course.

In view of the above, it is appropriate to strike the cases out of the list.

For these reasons, the Court, unanimously,

Decides to join the applications;

Decides to strike the applications out of its list of cases.

Done in English and notified in writing on 28 November 2024.

Viktoriya Maradudina Acting Deputy Registrar	Diana Sârcu President

APPENDIX

No.	Application no. Introduction date	Applicant Year of Birth	Representative's name	Main complaints raised	Reasons for a strike-out decision
1.	35543/16 06/06/2016	**Sergiy Oleksiyovych KUSHCHOV** 1958	Oleksandr Oleksiyovych BUTKO	Under Article 5 §§ 1 and 5 of the Convention the applicant complained about the unlawfulness of his arrest and subsequent detention, and the impossibility to receive compensation for that detention.	On 03/12/2021 the case was communicated to the responded Government which submitted their observations on the admissibility and merits on 17/03/2023. Having been invited to submit his comments in reply, the applicant failed to do so. In response to the Registry's inquiry on the matter, the applicant's lawyer informed that he had been drafted into the army and had been unable to continue representing the applicant noting that he had lost contact with him too. The Registry's attempts to contact the applicant via the known channels were unsuccessful. The Court's registered letter of 19/04/2024 informing the applicant about the communication of the present case and of the possibility of it being struck out returned to the Court as undelivered.
2.	33124/17 28/04/2017	**Oleksandr Mykolayovych UKRAYINETS** 1980	Roman Petrovych GAYDAY	The applicant complained of various issues under Articles 3, 5 and 6 of the Convention related to the criminal investigation against him and his detention thereof.	On 09/01/2023 the case was communicated to the responded Government which submitted their observations on the admissibility and merits on 29/06/2023. Having been invited to submit his comments in reply, the applicant failed to do so. In October 2023 the applicant's representative informed the Court that he had not been in Ukraine for a long time. He did not inform whether he had been in contact with the applicant and had not submitted anything in response to the Government's observations. The Registry's attempts to contact the applicant via the known channels were unsuccessful. The Court's registered letter of 17/05/2024 informing the applicant about the communication of the present case and of the possibility of it being struck out returned to the Court as undelivered.

No.	Application no. Introduction date	Applicant Year of Birth	Representative's name	Main complaints raised	Reasons for a strike-out decision
3.	78997/17 10/11/2017	**Vitaliy Yuriyovych SELYUK** 1983	Viktoriya Yuriyivna PETRUK	The applicant complained under Article 3 of the Convention about his three-day handcuffing to a hospital bed while in detention and the ineffectiveness of the related domestic investigation.	On 28/11/2022 the application was communicated to the Ukrainian Government. The Government's observations on the admissibility and merits of the case were forwarded to the applicant's representative through the Court's Electronic Communications Service (eComms). The applicant was invited to submit his own observations and just satisfaction claims. Given that the applicant's representative, Ms Petruk, failed to download that letter and no reply was received by the Court, the Registry contacted her by telephone on 07/11/2023 and 25/01/2024. On both occasions the applicant's representative assured the Registry of her intention to write to the Court without delay, which she failed to do. By letter dated 05/04/2024 sent by registered post to the applicant's representative, the applicant was notified that the period allowed for submission of his observations had expired on 21/07/2023 and that no extension of time had been requested. His attention was drawn to Article 37 § 1 (a) of the Convention, which provides that the Court may strike an application 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's representative received that letter on 24/05/2024. However, no response has followed.