

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

FIFTH SECTION

DECISION

Application no. 26782/06
by Oleksandr Oleksandrovych ODYNAK
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 15 February 2011 as a Committee composed of:
Mark Villiger, *President,*
Karel Jungwiert,
Isabelle Berro-Lefèvre, *judges,*
and Stephen Phillips, *Deputy Section Registrar,*
Having regard to the above application lodged on 7 June 2006,
Having deliberated, decides as follows:

THE FACTS

The application was lodged by Mr Oleksandr Oleksandrovych Odynak, a Ukrainian national who was born in an unspecified date and lives in Kelmentsi, Ukraine. The Ukrainian Government ("the Government") were represented by their Agent, Mr Yuriy Zaytsev.

The applicant complained under Articles 6 § 1 and 13 of the Convention and Article 1 of Protocol No. 1 about prolonged non-enforcement of the decision in the applicant's favour.

The notice of the applicant's complaints was given to the Government in accordance with the operative part of the pilot judgment *Yuriy Nikolayevich Ivanov v. Ukraine,* no. 40450/04. By letter dated 10 February 2010, sent by registered post, the notice was also given to the applicant, who was invited to inform the Court of any settlement or resolution that would occur in his case. This letter was returned to the Court as *unknown*.

By letter dated 13 August 2010, sent by registered post, the applicant was requested to inform the Court whether he intended to pursue his application. The Registry's letter including a strike out warning was also returned to the Court as *unknown* on 2 September 2010. The last correspondence from the applicant was received on 27 April 2007.

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