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

FIFTH SECTION

DECISION

Application no. 8040/11
Oleg Mykolayovych OMELCHENKO
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 8 March 2016 as a Committee composed of:

Erik Møse, *President,*
Yonko Grozev,
Mārtiņš Mits, *judges,*

and Milan Blaško, *Deputy Section Registrar,*

Having regard to the above application lodged on 24 January 2011,

Having deliberated, decides as follows:

## FACTS AND PROCEDURE

The applicant, Mr Oleg Mykolayovych Omelchenko, is a Ukrainian national, who was born in 1981 and lives in Balakliya. He was represented before the Court by Mr O. Matveyev, a lawyer practising in Kyiv.

The Ukrainian Government ("the Government") were represented, most recently, by their Acting Agent, Ms. O. Davydchuk of the Ministry of Justice.

The applicant complained under Article 6 § 1 of the Convention that domestic judicial decisions did not identify sufficient reasons for his detention and that domestic courts disregarded his arguments against detention.

The applicant's complaint was communicated to the Government under Article 5 §§ 1 and 3 of the Convention. The Government submitted their observations on the admissibility and merits. The observations were forwarded to the applicant's representative, who was invited to submit his own observations. No reply was received to the Registry's letter.

By letter dated 29 July 2015, sent by registered post, the applicant's representative was notified that the period allowed for submission of his observations had expired on 18 May 2015 and that no extension of time had been requested. The applicant's representative'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. On 1 October 2015 the letter returned to the Court undelivered with remark of the post office "*non réclamé*".

## THE LAW

The Court notes that after 20 January 2014 there has been no sign on the part of the applicant that he wishes to pursue his application. The Court repeatedly attempted to contact the applicant's representative at the address indicated by him, but to no avail. The Court was not informed of any change of his address.

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 31 March 2016.

Milan Blaško
Deputy Registrar

Erik Møse
President