

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

FIFTH SECTION

DECISION

Application no. 42617/08
Yuriy Vitalyevich SHCHERBININ
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 25 June 2013 as a Committee composed of:

Boštjan M. Zupančič, *President,*
Ann Power-Forde,
Helena Jäderblom, *judges,*

and Stephen Phillips, *Deputy Section Registrar,*

Having regard to the above application lodged on 19 August 2008,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Yuriy Vitalyevich Shcherbinin, is a Ukrainian national, who was born in 1981 and lives in Debaltseve.

The Ukrainian Government ("the Government") were represented by their Agent, Mr N. Kulchytskyy, of the Ministry of Justice.

The applicant complained under Article 5 of the Convention that his pre-trial detention had been unlawful. He further alleged that the courts had not provided relevant and sufficient reasons in their decisions to place him in custody and had not examined alternative preventive measures. This resulted in his unjustified and excessively lengthy pre-trial detention. The applicant also complained that the courts had not replied to his arguments concerning the unlawfulness and unreasonableness of his pre-trial detention.

The above complaints were communicated to the Government, who submitted their observations on the admissibility and merits. The

observations were forwarded to the applicant, who was invited to submit his own observations. No reply was received to the Registry's letter.

By letter dated 25 January 2013, sent by registered post, the applicant was notified that the period allowed for submission of his observations had expired on 20 September 2012 and that no extension of time had been requested. 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 19 February 2013. However, no response has been received.

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

Boštjan M. Zupančič
President