

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

FIFTH SECTION

DECISION

Application no. 40294/04
by Sergey Ivanovich TROTSKO
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 8 March 2011 as a Committee composed of:

Mark Villiger, *President,*
Isabelle Berro-Lefèvre,
Ann Power, *judges,*

and Stephen Phillips, *Deputy Section Registrar,*

Having regard to the above application lodged on 5 November 2004,

Having regard to the partial inadmissibility decision delivered by Chamber on 26 January 2010,

Having deliberated, decides as follows:

THE FACTS

The application was lodged by Mr Sergey Ivanovich Trotsko, a Ukrainian national who was born in 1959. The applicant having died on 16 July 2009, his widow, Ms Natalya Vasilyevna Trotsko, expressed the wish to pursue the application.

On 26 January 2010 the Court decided to declare the application partly inadmissible and to communicate the applicant's complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 concerning the alleged failure of the authorities to comply with a judicial decision ordering return of his property earlier withheld upon his arrest.

By a letter of 2 February 2010 Ms Trotsko was informed about the aforementioned decision and was invited to appoint a lawyer for her

representation in the proceedings before the Court by 25 February 2010. The letter remained without reply.

Neither did Ms Trotsko reply to two further reminders of the Court about the necessity for her to be legally represented at that stage of the proceedings or, in the alternative, to seek leave for presenting her own case.

On 4 August 2010 the Government's observations were sent to Ms Trotsko, who was requested to submit her observations in reply, together with any claims for just satisfaction, by 15 September 2010, either with or without assistance of a lawyer. She failed to comply.

By a letter of 28 October 2010, sent by registered post, Ms Trotsko was notified that the period allowed for submission of her observations had expired and that no extension of time had been requested. It was also noted that she had not complied with the Court's repeated requests concerning her legal representation. The attention of the applicant's widow 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. While that letter was received on 2 November 2010 at the address given by her to the Court, as confirmed by a signature on the post receipt, Ms Trotsko did not respond.

THE LAW

The Court considers that, in these circumstances, the applicant's widow may be regarded as no longer wishing to pursue the 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