

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

FIFTH SECTION

DECISION

Application no. 10789/18
Petro Ivanovych YAKOVETS
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 19 Decembre 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 application lodged on 12 February 2018,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Petro Ivanovych Yakovets, was born in 1949.

On 26 June 2023 the applicant's complaints raised under Articles 6 and 13 of the Convention were communicated to the Government, who submitted their observations. On the same date, the applicant was requested, by a letter sent via the Court's Electronic Communication Service ("the eComms"), to designate a representative before the Court by 12 July 2023. The applicant downloaded the letter. However, no response followed.

On 26 September 2023 the Registry sent a reminder to the applicant via the eComms, asking to appoint a representative by 26 October 2023.

On 10 January 2024 the Registry sent another reminder to the applicant via the eComms and registered post, asking him to appoint a representative by 24 January 2024. That letter contained a warning that the Court might strike the case out of its list of cases, had the applicant not replied. The applicant downloaded that letter.

On 15 January 2024 the Registry called the applicant, who informed that he had visited his advocate and that the latter had sent an authority form to the Court via the eComms.

On 5 February 2024 the Registry called the applicant's advocate and informed him that the Registry had not received an authority form, inviting him to send the requested document.

On 24 June 2024 the Registry sent another reminder by registered post. The advice of receipt indicated that the letter had returned unclaimed.

THE LAW

The Court reiterates that, according to its practice, failure to comply with the requirement of proper legal representation, as defined in Rule 36 §§ 2 and 4, may result in the discontinuation of the proceedings (compare, *inter alia, Grimaylo v. Ukraine* (dec.), no. 69364/01, 7 February 2006, and *R.W. v. the Netherlands* (dec.), no. 37281/05, 14 September 2010).

The Court notes that the applicant was repeatedly asked to designate a representative in the proceedings before it. However, he did not comply with the Court's request. No authority form was sent to the Court, and no one replied to its last letter. The applicant's failure to comply with the Court's instruction and to reply to the Court's last letter may be seen as an indication that he no longer wishes to pursue his application within the meaning of Article 37 § 1 (a) of the Convention. In the light of the foregoing, and in the absence of any special circumstances regarding respect for the rights guaranteed by the Convention and the Protocols thereto, the Court, in accordance with Article 37 § 1 (a) of the Convention, considers that it is no longer justified to continue the examination of the application.

Accordingly, the case should be struck 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 23 January 2025.

Viktoriya Maradudina Acting Deputy Registrar	Diana Sârcu President