

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

# FIFTH SECTION

# DECISION

Application no. 44479/12
Yevgeniy Igorevich ZELENKEVICH
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 15 November 2016 as a Committee composed of:

André Potocki, *President,*
Ganna Yudkivska,
Síofra O'Leary, *judges,*

and Anne-Marie Dougin, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 18 July 2012,

Having deliberated, decides as follows:

## FACTS AND PROCEDURE

1. The applicant, Mr Yevgeniy Igorevich Zelenkevich, is a Belarusian national who was born in 1982. The Court has not been informed of his current address. He was represented before the Court by Mr A. Bushchenko, a lawyer practising in Kyiv.

2. The Ukrainian Government ("the Government") were represented by their Agent, most recently Mr I. Lishchyna of the Ministry of Justice.

3. On 30 March 2012 the Prosecutor General's Office of Ukraine ordered the applicant's extradition to Belarus.

4. On 19 July 2012 the President of the Chamber indicated to the Government, under Rule 39 of the Rules of Court, that the applicant should not be extradited for the duration of the proceedings before the Court. On the same day the application was communicated to the Government.

5. On 6 December 2012 the applicant was granted refugee status in Ukraine.

6. On 21 September 2016 the Government informed the Court that on 19 March 2014 the Prosecutor General's Office had revoked its decision of 30 March 2012 and had decided not to extradite the applicant.

## COMPLAINTS

7. The applicant complained that in the event of his extradition to Belarus, he would be subjected to treatment contrary to Article 3 of the Convention and denied a fair trial in breach of Article 6 of the Convention.

## THE LAW

8. The Court is satisfied that the applicant no longer faces any risk of extradition to Belarus and that the importance of the case does not go beyond his specific situation (see *F.G. v. Sweden* [GC], no. 43611/11, § 73, ECHR 2016, and *Khan v. Germany* [GC], no. 38030/12, §§ 33, 35-40, 21 September 2016).

9. In the light of the above, the Court considers that the matter has been resolved within the meaning of Article 37 § 1 (b) of the Convention and that respect for human rights as defined in the Convention and its Protocols does not require it to continue the examination of the application under Article 37 § 1 *in fine*.

10. Accordingly, the case should be struck out of the list. The application of the interim measure indicated under Rule 39 of the Rules of Court is, therefore, discontinued.

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 8 December 2016.

Anne-Marie Dougin
Acting Deputy Registrar

André Potocki
President