

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

FIRST SECTION

DECISION

Application no. 33166/08
by Roman Vladimirovich BIRIN
against Russia

The European Court of Human Rights (First Section), sitting on 11 October 2011 as a Chamber composed of:

Nina Vajić, *President,*
Anatoly Kovler,
Peer Lorenzen,
Elisabeth Steiner,
Khanlar Hajiyev,
Mirjana Lazarova Trajkovska,
Julia Laffranque, *judges,*

and Søren Nielsen, *Section Registrar,*

Having regard to the above application lodged on 3 May 2008,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Roman Vladimirovich Birin, is a Russian national who was born in 1983 and lives in Kemerovo. He was represented before the Court by Mr V. Lunev, a lawyer practising in Kemerovo. The Russian Government ("the Government") were represented by Mr G. Matyushkin, Representative of the Russian Federation at the European Court of Human Rights.

The applicant complained about certain defects of the criminal proceedings against him and about poor conditions of his detention.

A part of the applicant's complaints was 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 by 8 March 2011.

On 2 March 2011 the Registry of the Court received the applicant's observations. Hovewer, as they were neither dated nor signed, the President of the Section fixed a new time-limit until 8 April 2011 for submitting a properly signed and dated copy of the observations.

No reply was received within the time-limit fixed.

By letters dated 25 May 2011 sent by registered mail, both the applicant and his representative were notified that the period allowed for submission of their observations had expired on 8 April 2011 and that no extension of time had been requested. Their 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 16 June 2011. However, no response has been received. The letter sent to his representative was not delivered because the recipient was not found at the address he had provided.

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.

Søren Nielsen	Nina Vajić
Registrar	President