

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

FIRST SECTION

DECISION

Application no. 49212/08
by Dmitriy Viktorovich CHERNYSHEV
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,
Linos-Alexandre Sicilianos,
Erik Møse, *judges,*

and Søren Nielsen, *Section Registrar,*

Having regard to the above application lodged on 17 June 2008,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Dmitriy Viktorovich Chernyshev, is a Russian national who was born in 1981 and lives in Bor. He was represented before the Court by Mr I. Soshnikov, a lawyer practising in St-Petersburg. 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 under Article 3 and 13 of the Convention that the conditions of his pre-trial detention had been poor and that there was no effective domestic remedy for this grievance.

The applicant's 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 by 8 March 2011. No reply was received within the time-limit fixed.

By letter dated 25 May 2011 sent by registered mail, the applicant's representative was notified that the period allowed for submission of his observations had expired on 8 March 2011 and that no extension of time had been requested. His 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's representative received this letter on 22 June 2011. 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.

Søren Nielsen	Nina Vajić
Registrar	President