

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

FIRST SECTION

DECISION

Application no. 14672/07
Sergey Nikolayevich FIRSOV
against Russia

The European Court of Human Rights (First Section), sitting on 9 April 2013 as a Committee composed of:

Khanlar Hajiyev, *President,*
Erik Møse,
Dmitry Dedov, *judges,*

and André Wampach, *Deputy Section Registrar,*

Having regard to the above application lodged on 15 February 2007,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Sergey Nikolayevich Firsov, is a Russian national, who was born in 1970 and lives in Kineshma, a town in the Ivanovo region.

The Russian Government ("the Government") were represented by Mr G. Matyushkin, Representative of the Russian Federation at the European Court of Human Rights.

The facts of the case, as submitted by the parties, may be summarised as follows.

On 14 June 2006 police arrested the applicant on suspicion of extortion. On 16 June 2006 Oktyabrskiy District Court, Ivanovo, ("the District Court") placed the applicant in detention. The District Court further extended his detention in August, November and December 2006 and April 2007. Further extensions of the applicant's detention were ordered by the Regional Court in June, August, October and December 2007.

On 28 February 2008 the Regional Court returned the case to the prosecutor. The court decided that there were no reasons to vary the custodial measure applied to the applicant. On 21 March 2008 the Regional Court extended the applicant's detention until 21 May 2008.

On 21 May 2008 the Regional Court released the applicant under a written undertaking.

On 18 September 2009 the jury found the applicant not guilty. According to the Government, by a final judgment of 8 December 2010 the Supreme Court of the Russian Federation, on the basis of the jury's verdict, acquitted the applicant of all charges.

It follows from the Government's submissions that on 14 June 2011 Leninskiy District Court, Ivanovo, granted the applicant's claim against the Ministry of Finance of the Russian Federation for compensation of non-pecuniary damage caused by unlawful criminal prosecution and awarded him 750,000 Russian roubles. That decision was fully enforced in September 2011.

COMPLAINTS

The applicant complained under Article 3 of the Convention that his lengthy pre-trial detention amounted to torture.

He complained under Article 5 that his detention between 29 February and 20 March 2008 had been unlawful and his pre-trial detention had not been duly justified and had been unreasonably long.

He complained under Articles 6 and 13 that he could not confront witnesses to whose testimony the courts referred when ordering and extending his detention and that the criminal proceedings had been unreasonably long.

THE LAW

By letter dated 11 July 2012 the Government's observations were sent to the applicant, who was requested to submit any observations together with any claims for just satisfaction in reply by 4 September 2012.

By letter dated 8 November 2012, sent by registered post, the applicant was notified that the period allowed for submission of the his observations had expired on 4 September 2012 and that no extension of time had been requested. The applicant's 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. No response has been received.

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.

André Wampach
Deputy Registrar

Khanlar Hajiyev
President