CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

THIRD SECTION

DECISION

Application no. 14844/03
by Vladimir Yevgenyevich GURIN
against Russia

The European Court of Human Rights (Third Section), sitting on 29 March 2007 as a Chamber composed of:

Mr B.M. ZUPANČIČ, *President,*
Mr A. KOVLER,
Mrs E. FURA-SANDSTRÖM,
Mrs A. GYULUMYAN,
Mr E. MYJER,
Mrs I. ZIEMELE,
Mrs I. BERRO-LEFÈVRE, *judges,*

and Mr S. QUESADA, *Section Registrar,*

Having regard to the above application lodged on 7 April 2003,

Having regard to the decision to apply Article 29 § 3 of the Convention and examine the admissibility and merits of the case together,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Vladimir Yevgenyevich Gurin, is a Russian national who was born in 1978 and lived until his arrest in the town of Omsk. The respondent Government are represented by Mr P. Laptev, the 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 3 April 2000 the applicant was convicted of aggravated theft and sentenced to three years and six months' imprisonment. On 25 August 2000

he was convicted of several counts of aggravated theft and sentenced to five years' imprisonment.

On 4 November 2000 the applicant was charged with aggravated fraud, participation in a criminal enterprise, money laundering and forgery of documents. According to the applicant, he was transferred to remand centre no. 1 in Omsk where he was kept for almost two years and eight months in the appalling conditions.

On several occasions the Omsk Regional Court extended the applicant's detention on remand, having regard to the gravity of the charges against him. The Supreme Court of the Russian Federation upheld the detention orders without summonsing the applicant to the appeal hearings.

On 23 May 2003 the applicant was released on probation after serving the main part of his sentence upon conviction of 25 August 2000.

On 21 April 2004 the Omsk Regional Court found the applicant guilty of aggravated fraud and sentenced him to five years' imprisonment. The period of the applicant's pre-trial detention was included in the term of his sentence. On 25 November 2004 the Supreme Court upheld the conviction.

COMPLAINTS

The applicant complained under Articles 3, 5, 6 and 13 of the Convention about the poor conditions of his detention in the remand centre, the unlawfulness and excessive length of his detention on remand, the failure of the Supreme Court to examine "speedily" his appeals against the detention orders and to summons him to the appeal hearings, and the domestic courts' refusals to accept his arguments.

THE LAW

On 4 April 2006 the Court decided to give notice of the application to the respondent Government.

On 20 July 2006 the Government's observations on the admissibility and merits of the application were received. On 24 July 2006 the Court invited the applicant to submit his written observations in reply by 25 September 2006. The letter was sent to the address of the facility where the applicant was detained. The applicant indicated that address in the application form as the place of his current residence.

On 14 September 2006 the English version of the Government's observations was forwarded to the applicant. The letter was sent to the detention facility. The time-limit for the submission of the applicant's observations remained unaffected.

As the applicant's observations on the admissibility and merits had not been received by the indicated time-limit, on 29 January 2007 the applicant was advised by registered mail that the failure to submit his observations might result in his application being struck out of the list of cases. The letter of 29 January 2007 was sent to the applicant's home address as indicated in his application form.

As it follows from the acknowledgment of receipt which returned to the Court, the letter of 29 January 2007 reached the applicant's home address on 6 February 2007. A postman noted on the acknowledgment of receipt that the letter had not been delivered because the applicant had moved out and his new address was unknown.

No response has been received from the applicant to date.

The Court recalls Article 37 of the Convention which, in the relevant part, reads as follows:

> "1. The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that
>
> (a) the applicant does not intend to pursue his application;
>
> ...
>
> However, the Court shall continue the examination of the application if respect for human rights as defined in the Convention and the Protocols thereto so requires."

The applicant was advised that he was to submit written observations on the admissibility and merits of the case. He was subsequently reminded thereof. The applicant has not replied to date.

The Court recalls that, pursuant to Rule 47 § 6 of the Rules of Court, "applicants shall keep the Court informed of any change of address and of all circumstances relevant to the applicant". Under that Rule, it is incumbent on the applicant to provide at least a minimum of information, namely his postal address, enabling the Court to conduct correspondence with him and to proceed with his petition. The Court observes that it has unsuccessfully tried to communicate with the applicant at his place of detention. Assuming that the applicant could have been released while the proceedings before the Court were pending, it subsequently sent correspondence to the applicant's home address. However those attempts also proved to be futile.

In the present case, it appears that the applicant had served his sentence by the autumn of 2006 and that he failed to inform the Court of the change of his postal address, when he had been released. Nor did he indicate any provisional address at which communication with him could be effected. Thus, the applicant made it impossible for the Court to continue the examination of his case (cf. *Krutov v. Russia* (dec.), no. 25260/02, 5 January 2007 and *Babichev v.* Russia (dec.), no. 21777/03, 18 May 2006).

The Court infers therefrom that the applicant does not intend to pursue his application. Furthermore, it considers that respect for human rights as

defined in the Convention and its Protocols does not require it to continue the examination of the case.

In these circumstances it considers that Article 29 § 3 of the Convention should no longer apply to the case and it should be struck out of the list in accordance with Article 37 § 1 (a) of the Convention.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases.

Santiago QUESADA
Registrar

Boštjan M. ZUPANČIČ
President