

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

FIRST SECTION

DECISION

Application no. 33417/03
by Petr Alekseyevich KALININ
against Russia

The European Court of Human Rights (First Section), sitting on 23 August 2011 as a Chamber composed of:

Nina Vajić, *President,*
Anatoly Kovler,
Peer Lorenzen,
George Nicolaou,
Mirjana Lazarova Trajkovska,
Julia Laffranque,
Linos-Alexandre Sicilianos, *judges,*

and Søren Nielsen, *Section Registrar,*

Having regard to the above application lodged on 26 September 2003,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Petr Alekseyevich Kalinin, is a Russian national who was born in 1958 and is currently serving a sentence of imprisonment in penitentiary establishment UO-68/11 of Akhtarsk, the Krasnodar Region. The respondent 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 6 February 2002 the applicant was arrested on suspicion of large-scale fraud and detained pending investigation.

After his arrest on 6 February 2002 the applicant was placed in the Krasnodar temporary detention ward. On 8 February 2002 he was transferred to remand centre IZ-23/1 of Krasnodar where he stayed until 11 June 2003.

On 16 January 2003 the Leninskiy District Court of Krasnodar convicted the applicant of large-scale fraud and sentenced him to five years' imprisonment with forfeiture of property.

On 21 May 2003 the Krasnodar Regional Court upheld the judgment on appeal.

On 17 February 2004 the Primorsko-Akhtarskiy District Court of the Krasnodar Region brought the applicant's conviction in compliance with the changes introduced into the Russian Criminal Code.

COMPLAINTS

1. The applicant complained under Article 3 of the Convention about appalling conditions of his detention in the temporary detention ward of Krasnodar and the remand centre IZ-23/1 of Krasnodar.

2. He complained under Article 5 about the alleged unfairness of his arrest and pre-trial detention.

3. The applicant further complained under Article 6 about the violation of his right to a fair trial in that the domestic court had wrongly assessed the evidence, had failed to obtain attendance of certain witnesses on behalf of the prosecution and, in general, had been predetermined to deliver a finding of guilt.

4. Finally, the applicant complained under Article 7 of the Convention and Article 1 of Protocol No. 4 about having been convicted merely on the ground of his inability to fulfil a contractual obligation.

THE LAW

On 7 March 2008 the President of the Court gave notice of the application to the respondent Government under Rule 54 § 2 (c) of the Rules of Court. The Government submitted their observations on the admissibility and merits of the case on 2 July 2008.

By letter of 4 July 2008 the applicant was requested to submit, by 5 September 2008, his comments on the Government's observations.

As the applicant had not replied, by letter of 20 November 2009, sent by registered mail, his attention was drawn to Article 37 § 1 (a) of the

Convention, which provides that the Court can strike a case out of its list where the circumstances lead to the conclusion that an applicant does not intend to pursue the application.

The Court notes that, despite the Court's letters of 20 November 2009 and 1 March 2010, the applicant has not submitted his observations in reply to those of the Government. Nor has he made any other submissions to the Court.

Against this background, the Court considers that the applicant has lost interest in pursuing the application. The Court finds no reasons concerning respect for human rights warranting the further 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
Registrar

Nina Vajić
President