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

THIRD SECTION

DECISION

Application no. 30411/14
Gennadiy LEM
against Russia

The European Court of Human Rights (Third Section), sitting on 17 May 2016 as a Committee composed of:
Helen Keller, *President,*
Johannes Silvis,
Alena Poláčková, *judges,*
and Stephen Phillips, *Section Registrar,*
Having regard to the above application lodged on 28 March 2014,
Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Gennadiy Lem, was a national of Kazakhstan, born in 1953. He was represented before the Court by Ms M. Gordeyeva, a lawyer practising in the Astrakhan Region.

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

The applicant complained under Article 3 of the Convention about the conditions of his detention in a Russian penitentiary facility.

The applicant's complaints under Article 3 of the Convention were communicated to the Government, who submitted their unilateral declaration. The unilateral declaration was forwarded to the applicant's representative for comments.

On 29 March 2015 the applicant's representative informed the Court that the applicant had died, without specifying the date, and that his daughter might wish to pursue the application in his stead. By letter of 8 March 2016, the representative informed the Court of the date of the applicant's death –

which was 7 May 2014 – and that eventually no heirs had presented themselves.

THE LAW

The Court notes that the applicant has deceased and that no relatives or heirs have presented themselves. It has been the Court's practice to strike applications out of the list of cases in the absence of any heir or close relative who has expressed the wish to pursue an application (see *Léger v. France* (striking out) [GC], no. 19324/02, § 44, 30 March 2009, with further references). Furthermore, the Court does not consider that the present case involved an important question of general interest transcending the person and the interests of the individual applicant.

Accordingly, the Court concludes that it is no longer justified to continue the examination of the application within the meaning of Article 37 § 1 of the Convention.

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.

Done in English and notified in writing on 9 June 2016.

Stephen Phillips
Registrar

Helen Keller
President