CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FIRST SECTION

DECISION

Application no. 67085/01
by Vladislav Aleksandrovich LOGACHEV
against Russia

The European Court of Human Rights (First Section), sitting on 14 December 2004 as a Chamber composed of:

Mr C.L. ROZAKIS, *President*,
Mr L. LOUCAIDES,
Mrs F. TULKENS,
Mr P. LORENZEN,
Mrs N. VAJIĆ,
Mrs S. BOTOUCHAROVA,
Mr A. KOVLER, *judges*,
and Mr S. NIELSEN, *Section Registrar*,

Having regard to the above application lodged on 2 December 2000,

Having regard to the observations submitted by the respondent Government,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Vladislav Aleksandrovich Logachev, is a Russian national, who was born in 1972 and is currently detained in a prison in the Arkhangelsk Region. The respondent Government were represented by Mr P. A. Laptev, the representative of the Russian Federation at the European Court of Human Rights.

A. The circumstances of the case

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

On 21 October 1997 the Arkhangelsk Regional Court convicted the applicant of aggravated murder and robbery and sentenced him to eighteen years' imprisonment. The judgment was upheld on appeal by the Supreme Court of the Russian Federation on 25 December 1997.

The applicant applied to the President of the Supreme Court of the Russian Federation and the Prosecutor General, requesting that "supervisory review" proceedings be initiated to quash the court decisions of 21 October and 25 December 1997.

On 5 July 2000 the Deputy President of the Supreme Court lodged a "special appeal", requesting the Supreme Court to quash the above decisions in view of the erroneous interpretation of the facts and law in the case.

On 9 August 2000 the Supreme Court of the Russian Federation examined the "special appeal". It amended the conviction, having reclassified the charge of aggravated murder to one of murder. The applicant's transfer to a prison with a less severe regime was ordered. Neither the applicant nor his counsel were notified of the date of the "supervisory review" hearing. They did not take part in it. The prosecution was present at the hearing and made pleadings.

B. Procedure

On 4 April 2003 the applicant was informed that the Court had decided to give notice of his application to the Russian Government.

On 30 June 2003 the Government submitted their written observations on the admissibility and merits of the application. On 16 July 2003 the applicant was invited to file his pleadings in reply by 25 September 2003. He did not reply.

On 19 March 2004 the Court sent, by registered mail with acknowledgment of receipt, a letter to the applicant, by which he was warned that if he failed to respond to that letter, the Court might conclude that he no longer intended to pursue his application.

It emerges from the relevant acknowledgment of receipt that the letter was delivered on 14 May 2004.

The applicant has not to date resumed his correspondence with the Court.

COMPLAINTS

Under Articles 6 and 13 of the Convention the applicant complained that his conviction had been unfair. He alleged that the courts had wrongly assessed the evidence in his case. The applicant also complained about the unfairness of the "supervisory review" proceedings before the Supreme Court of the Russian Federation, given that neither he nor his counsel had been aware of the hearing of 9 August 2000 and had not taken part in it.

THE LAW

The Court recalls the events that occurred after the notice of the application had been given to the Russian Government and after they had submitted their observations on the admissibility and merits of the case and considers that Article 37 § 1 of the Convention should be applied. That provision, in its relevant part, reads:

> "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."

In this respect the Court notes that the applicant did not submit any reply to the observations submitted by the respondent Government on 30 June 2003. He has also failed to respond to a further communication from the Court, which was a registered letter dated 19 March 2004 warning him that his application could be struck out of the list if he failed to respond.

In the circumstances, the Court concludes that the applicant does not intend to pursue the application. Furthermore, the Court finds no reasons of a general character, as defined in Article 37 § 1 *in fine*, that would require it to continue the proceedings by virtue of that provision.

For these reasons, the Court unanimously

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

Søren NIELSEN
Registrar

Christos ROZAKIS
President