

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

FIRST SECTION

DECISION

Application no. 34382/04
by Sergey Vyacheslavovich MOSKALENKO
against Russia

The European Court of Human Rights (First Section), sitting on 11 October 2011 as a Chamber composed of:

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

and Søren Nielsen, *Section Registrar,*

Having regard to the above application lodged on 29 July 2004,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Sergey Vyacheslavovich Moskalenko, is a Russian national who was born in 1971 and lives in Volgograd. 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 applicants complained under Article 3 of the Convention about the ill-treatment by the police and the lack of effective investigation into the matter. He also complained under Article 6 § 1 of the Convention about

unfairness of the criminal proceedings against him and under Article 6 § 2 of the Convention about a violation of his right to be presumed innocent.

The applicant's complaints under Article 3 of the Convention were communicated to the Government, who submitted their observations on the admissibility and merits. The observations were forwarded to the applicant, who was invited to submit his own observations. No reply was received to the Court's letter.

By letter dated 3 May 2011, sent by registered post, the applicant was notified that the period allowed for submission of his observations had expired on 8 September 2010 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. The applicant received this letter on 4 June 2011. However, no response has been received.

THE LAW

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.

Søren Nielsen	Nina Vajić
Registrar	President