

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

FIRST SECTION

DECISION

Application no. 65415/09
Yelena Vladimirovna PUGILOVICH
against Russia

The European Court of Human Rights (First Section), sitting on 26 August 2014 as a Committee composed of:

Khanlar Hajiyev, *President,*
Julia Laffranque,
Dmitry Dedov, *judges*

and Søren Prebensen, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 26 November 2009,

Having regard to the comments submitted by the Russian Government,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Ms Yelena Vladimirovna Pugilovich, is a Russian national, who was born in 1969 and lives in Klimovsk. She was represented before the Court by Ms Yu.S. Yanygina, a lawyer practising in Moscow.

The Russian Government ("the Government") were represented by their Agent, 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 April 2009 the Moscow Interregional Transport Investigative Committee instituted criminal proceedings into smuggling.

On 8 April 2009 the applicant was arrested as a suspect in the case and on the same date she was charged with smuggling.

On 9 April 2009 the Meschanskiy District Court of Moscow ordered to remand the applicant in custody. The applicant appealed.

On 6 May 2009 the Moscow City Court quashed the decision of 9 April 2009.

On 12 May 2009 the Meschanskiy District Court of Moscow again ordered to remand the applicant in custody.

On 1 June 2009 the Moscow City Court upheld the decision of 12 May 2009.

On 5 June 2009 the Meschanskiy District Court of Moscow extended the applicant's detention until 11 September 2009.

On 24 June 2009 the Moscow City Court upheld the decision of 5 June 2009.

On 9 September 2009 the Meschanskiy District Court of Moscow extended the applicant's detention until 11 January 2010.

On 5 October 2009 the Moscow City Court upheld the decision of 9 September 2009.

On 11 January 2010 the Meschanskiy District Court of Moscow extended the applicant's detention until 8 April 2010.

On 1 March 2010 the Moscow City Court upheld the decision of 11 January 2010.

On 7 April 2010 the Moscow City Court extended the applicant's detention until 11 July 2010.

On 25 May 2010 the Supreme Court of Russia upheld the decision of 7 April 2010.

On 7 July 2010 the Moscow City Court extended the applicant's detention until 8 October 2010.

On 6 August 2010 the Supreme Court of Russia altered the decision of 7 July 2010 and ordered to release the applicant on bail.

COMPLAINT

The applicant complains under Article 5 §§ 1 (c) and 3 of the Convention that the decisions to remand her in custody were unlawful since they were not based on any valid grounds that could justify her pre-trial detention.

THE LAW

By letter dated 30 September 2013 the Government's observations were sent to the applicant's representative, who was requested to submit any observations together with any claims for just satisfaction in reply by 2 December 2013.

By letter dated 19 March 2014, sent by registered post, the applicant's representative was notified that the period allowed for submission of the applicant's observations had expired on 2 December 2013 and that no extension of time had been requested. The applicant's representative'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's representative received this letter on 4 April 2014. However, no response has been received.

The Court considers that, in these circumstances, the applicant may be regarded as no longer wishing to pursue her 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 Prebensen	Khanlar Hajiyev
Acting Deputy Registrar	President