

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

FIRST SECTION

DECISION

Application no. 25535/05
Maksim Vasilevich ROSHCHUPKIN
against Russia

The European Court of Human Rights (First Section), sitting on 27 November 2012 as a Committee composed of:

Nina Vajić, *President,*
Khanlar Hajiyev,
Julia Laffranque, *judges,*

and André Wampach, *Deputy Section Registrar,*

Having regard to the above application lodged on 27 June 2005,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Maksim Vasilevich Roshchupkin, is a Russian national, who was born in 1980 and lives in Lipetsk.

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 5 §§ 1 and 3 of the Convention about the lawfulness of his pre-trial detention.

The applicant's relevant complaints 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 Registry's letter.

By letters dated 3 May and 19 October 2011 and 23 March 2012, sent by registered post, the applicant was notified that the period allowed for submission of his observations had expired on 21 October 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. No response has been received to the letters of 3 May and 19 October 2011, whereas the letter of 23 March 2012 was returned to the Court as unclaimed.

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.

André Wampach	Nina Vajić
Deputy Registrar	President