

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

FIRST SECTION

DECISION

Application no. 37609/09
Yevgeniy Nikolayevich SHTYREV
against Russia

The European Court of Human Rights (First Section), sitting on 2 July 2013 as a Committee composed of:
Elisabeth Steiner, *President,*
Mirjana Lazarova Trajkovska,
Linos-Alexandre Sicilianos, *judges,*
and André Wampach, *Deputy Section Registrar,*
Having regard to the above application lodged on 15 June 2009,
Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Yevgeniy Nikolayevich Shtyrev, is a Russian national, who was born in 1956 and lives in the town of Vyksa, Nizhniy Novgorod Region.

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

The applicant complained, in particular, under Article 6 of the Convention about his absence from appeal hearings in a criminal case against him, as well as about the absence of legal assistance on appeal.

The applicant's 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 letter dated 11 February 2013, sent by registered post, the applicant was notified that the period allowed for submission of his observations had expired on 9 January 2013 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 letter returned to the Court as unclaimed. The applicant did not inform about a change of his home address and did not indicate any other address where correspondence could have been sent.

THE LAW

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.

André Wampach
Deputy Registrar

Elisabeth Steiner
President