

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

FIRST SECTION

DECISION

Application no. 60452/08
Igor Yevgenyevich SHUMILOV
against Russia

The European Court of Human Rights (First Section), sitting on 9 April 2013 as a Committee composed of:
Khanlar Hajiyev, *President,*
Julia Laffranque,
Dmitry Dedov, *judges,*
and André Wampach, *Deputy Section Registrar,*
Having regard to the above application lodged on 6 November 2008,
Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Igor Yevgenyevich Shumilov, is a Russian national, who was born in 1972 and lives in Kineshma, a town in the Ivanovo 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 facts of the case, as submitted by the parties, may be summarised as follows.

On 14 June 2006 police arrested the applicant on suspicion of extortion.

On 16 June 2006 Oktyabrskiy District Court, Ivanovo, ("the District Court") placed the applicant in detention. The District Court further extended the applicant's detention in August, November and December 2006 and April 2007. Further extensions of the applicant's detention were

ordered by the Ivanovo Regional Court ("the Regional Court") in June, August, October and December 2007.

On 28 February 2008 the Regional Court returned the case to the prosecutor. The Regional Court held that there was no reason to vary the custodial measure. On 21 March 2008 the Regional Court extended the applicant's detention until 21 May 2008.

On 21 May 2008 the Regional Court held a preliminary hearing and set the examination of the case for 23 June 2008. By the same decision the Regional Court held that the applicant must remain in detention. The applicant's detention was further extended in November 2008 and February, May and August 2009.

On 18 September 2009 the jury found the applicant not guilty. According to the Government, by a final judgment of 8 December 2010 the Supreme Court of the Russian Federation, on the basis of the jury's verdict, acquitted the applicant of all the charges.

Between 2006 and 2009 the applicant was detained in Ivanovo remand prison no. 37/1. He alleged that conditions of his detention there had been substandard.

It follows from the official site of the Regional Court that by a final decision of 25 May 2011 the Regional Court granted the applicant's claim against the Ministry of Finance of the Russian Federation for compensation for non-pecuniary damage caused by unlawful criminal prosecution, and awarded him RUB 1,350,000.

COMPLAINTS

The applicant complains under Article 3 that he was detained in inhuman conditions in Ivanovo remand prison no. 37/1 between 2006 and 2009.

He complains under Article 5 that his detention after 28 February 2008 was unlawful and his pre-trial detention was not based on sufficient reasons.

He complains under Article 6 of the Convention that the criminal proceedings against him were unreasonably long.

THE LAW

By letter dated 11 July 2012 the Government's observations were sent to the applicant, who was requested to submit any observations together with any claims for just satisfaction in reply by 4 September 2012.

By letter dated 8 November 2012, sent by registered post, the applicant was notified that the period allowed for submission of the his observations had expired on 4 September 2012 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.

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
Deputy Registrar

Khanlar Hajiyev
President