

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

FIRST SECTION

DECISION

Application no. 62028/10
Aleksey Nikolayevich ZAGREBAYLOV
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,
Erik Møse, *judges,*
and André Wampach, *Deputy Section Registrar,*
Having regard to the above application lodged on 14 September 2010,
Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Aleksey Nikolayevich Zagrebaylov, is a Russian national, who was born in 1973 and lived until his arrest in the town of Elan, Volgograd Region. He is now serving his sentence in a correctional colony in Volgograd.

The applicant was represented before the Court by Mr A. Kopylov, a lawyer practising 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 facts of the case, as submitted by the parties, may be summarised as follows.

On 15 June 2009 the applicant was arrested under suspicion of murder.

On 11 February 2010 the Volgograd Regional Court convicted the applicant of murder and sentenced him to fifteen years' imprisonment.

On 12 May 2010 the Supreme Court of Russia upheld the judgment. The applicant and his lawyer were absent from the appeal hearing. The public prosecutor was present and addressed the court.

On 5 September 2012 the Presidium of the Supreme Court of Russia quashed the appeal judgment of 12 May 2010 by way of supervisory review and remitted the applicant's case to the appeal court for a new examination.

On 6 December 2012 the Supreme Court of Russia examined the applicant's case on appeal anew. Having heard the applicant, his lawyer and the public prosecutor, the Supreme Court upheld the judgment of 11 February 2010.

The applicant complained about various alleged deficiencies in the criminal proceedings against him, the lawfulness of his detention on remand, and conditions of detention.

On 16 January 2012 the applicant's complaint concerning his and his lawyer's absence from the appeal hearing of 12 May 2010 were communicated to the Government, who submitted their observations on the admissibility and merits. The observations were forwarded to the applicant's representative, who was invited to submit his own observations. No reply was received to the Registry's letter.

By letter dated 25 October 2012, sent by registered post, the applicant's representative was notified that the period allowed for submission of his observations had expired on 27 July 2012 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 10 November 2012. 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.

André Wampach
Deputy Registrar

Khanlar Hajiyev
President