



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

FIRST SECTION

DECISION

Application no. 17994/05
Aleksy Vladlenovich KUKUSHKIN
against Russia

The European Court of Human Rights (First Section), sitting on 3 July 2012 as a Committee composed of:

Mirjana Lazarova Trajkovska, *President*,

Anatoly Kovler,

Linos-Alexandre Sicilianos, *judges*,

and André Wampach, *Deputy Section Registrar*,

Having regard to the above application lodged on 14 March 2005,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Aleksy Vladlenovich Kukushkin, is a Russian national, who was born in 1969 and lived in Yekaterinburg.

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

On 11 March 2003 the applicant was arrested on suspicion of several counts of aggravated robberies and thefts and remanded in custody. The courts subsequently extended his detention on remand. By final judgment of 27 February 2006 the Supreme Court of Russia convicted the applicant of concerted aggravated robbery and sentenced him to eight years’ imprisonment. On 26 September 2008 the Chkalovskiy District Court of Yekaterinburg ordered the applicant’s release on parole. The applicant was released shortly thereafter.

The applicant complained under Article 5 §§ 1, 3 and 4 of the Convention that his detention pending criminal trial had been unlawful, that the domestic courts had failed to adduce sufficient reasons for it and had refused to examine his appeals against some of the detention orders.

Following the communication of the application to the Government on 1 July 2011 their observations were sent to the applicant. As there was no reply, by a letter of 20 January 2012 the Registry informed the applicant that the period allowed for the submission of his observations had expired on 2 September 2011 and that no extension had been requested. On 25 May 2012 the post office returned the Registry's letter undelivered with a note that the applicant had died. The Court has not received any requests for the application to be pursued in the applicant's stand.

THE LAW

The Court considers that these circumstances lead to the conclusion that it is no longer justified to continue the examination of the application within the meaning of Article 37 § 1 (c) 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

Mirjana Lazarova Trajkovska
President