



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

FIRST SECTION

DECISION

Application no. 20060/09
Aleksy Yuryevich PANUS
against Russia

The European Court of Human Rights (First Section), sitting on 18 September 2012 as a Committee composed of:

Mirjana Lazarova Trajkovska, *President*,

Anatoly Kovler,

Erik Møse, *judges*,

and André Wampach, *Deputy Section Registrar*,

Having regard to the above application lodged on 20 March 2009,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Aleksy Yuryevich Panus, is a Russian national, who was born in 1976 and who lived, until his arrest in 2003, in Bolshoy Kamen, a town in the Primorskiy Region. The applicant was represented before the Court by his father, Mr Yuriy Alekseyevich Panus.

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

In 2003 the applicant was detained on suspicion of murder and was placed in a remand prison. Following a psychiatric expert examination, which established that he was suffering from a serious mental disorder and was dangerous to society, proceedings for application of compulsory medical measures were instituted in respect of him, and the applicant was placed in a mental asylum pending those proceedings. His detention there

was extended on several occasions so that he remained in the mental asylum until the court's decision to absolve him of criminal responsibility.

In 2008 the domestic courts found that the applicant had committed the murder in a state of insanity and that, therefore, he had to be absolved of criminal responsibility. They also decided that the applicant had to undergo compulsory medical treatment in a psychiatric hospital.

The applicant's father also alleged that in another set of proceedings which ended in 2008 the domestic courts terminated the applicant's treatment at the request of the clinic in which he had been placed after the criminal proceedings. He alleged that despite that decision the applicant was still being detained in a mental asylum.

The applicant complained under Articles 5, 6, 13 and 17 of the Convention that his detention pending criminal proceedings against him had been unlawful and very long, that his detention following the decision to absolve him from criminal responsibility and to order his compulsory medical treatment had been unlawful and that the proceedings for application of compulsory medical measures had been unfair and very long. He also complained that he had not been released from mental asylum after the court's decision to terminate his treatment.

The applicant's complaints concerning the lawfulness of his detention following the decision to absolve him from criminal responsibility and to order his compulsory medical treatment, the lawfulness of his detention after the decision to terminate his treatment, unfairness and length of the proceedings for the application of compulsory medical measures 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 observations. No reply was received to the Registry's letter.

By letter dated 1 March 2012, sent by registered post, the applicant's father was notified that the period allowed for submission of the applicant's observations had expired on 19 January 2012 and that no extension of time had been requested. His 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 father received this letter on 27 March 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

Mirjana Lazarova Trajkovska
President