



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

FIRST SECTION

DECISION

Application no. 3333/09
Elvira Fanisovna TSVETKOVA
against Russia

The European Court of Human Rights (First Section), sitting on 27 November 2012 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 16 December 2008,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Ms Elvira Fanisovna Tsvetkova, is a Russian national, who was born in 1982 and is currently serving a term of imprisonment in Berezniki correctional colony IK-28, Perm 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, *inter alia*, under Article 5 § 3 of the Convention that her pre-trial detention had not been based on “relevant and sufficient” grounds.

On 29 March 2011 the applicant’s complaint was communicated to the Government.

Following receipt of the Government's observations on the admissibility and merits, on 25 July 2011 the applicant was invited to submit, by 26 September 2011, her observations in reply.

On 25 August 2011 the English version of the Government's observations was forwarded to the applicant. The time-limit for the submission of the applicant's observations remained unaffected.

As the applicant's observations on the admissibility and merits had not been received by 26 September 2011, on 14 November 2011 the Court sent a letter by registered mail to the applicant, advising her that the failure to submit the observations might result in the strike-out of the application.

It follows from the acknowledgement-of-receipt card that the Court's letter was received on 12 December 2011 by Ms K., a colony inspector, and a censor whose last name was unreadable.

In view of the fact that it was impossible to verify that the applicant had, in fact, received the Court's letter of 14 November 2011, on 6 June 2012 the Court asked the Government to submit the factual information under Rule 54 § 2 (a) of the Rules of Court. In particular, they were asked to confirm that the Court's letters of 29 March, 25 July, 25 August and 14 November 2011 had been delivered to the applicant. The Government were also requested to produce copies of the applicant's signatures for these letters from the facility's correspondence log.

By a letter of 18 July 2012 the Government informed the Court that its letters of 29 March, 25 July, 25 August and 14 November 2011 had been served on the applicant on 25 April, 30 July, 14 September and 12 December 2011 respectively. The Government supported their assertion with copies of the applicant's handwritten notes showing the date and registration number of each letter and the date when it had been delivered to her.

On 10 August 2012 the Court asked the applicant to comment on the Government's submissions by 28 September 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 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