



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

FIRST SECTION

DECISION

Application no. 45748/06
Aleksandr Yevgenyevich SYROV
against Russia

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

Elisabeth Steiner, *President*,

Anatoly Kovler,

Mirjana Lazarova Trajkovska, *judges*,

and André Wampach, *Deputy Section Registrar*,

Having regard to the above application lodged on 7 October 2006,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Aleksandr Yevgenyevich Syrov, is a Russian national, who was born in 1987 and serves his imprisonment sentence in Rostov-on-Don. He was represented before the Court by Mrs N. A. Sakharova, a lawyer practising in Rostov-on-Don.

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

On 28 April 2006 the applicant was arrested on suspicion of having sold drugs.

On 29 April 2006 the Rodionovo-Nesvetayskiy District Court of the Rostov Region (“the District Court”) ordered the applicant’s detention.

On 6 June 2006 the applicant’s case was sent to the District Court for examination.

On 28 June 2006 the District Court held a preliminary hearing of the applicant's case and extended his detention on remand.

On 1 August 2006 the applicant lodged a request to restore the time-limit for appealing against the decision of 28 June 2006 together with the statement of appeal.

On 12 September 2006 the Rostov Regional Court ("the Regional Court") quashed the decision of 28 June 2006 and ordered a fresh examination of the issue of the extension of the applicant's detention. The court left the preventive measure of the applicant's detention unchanged.

On 27 September 2006 the District Court extended the applicant's detention for two months until 27 November 2006. The court relied on the gravity of the charges against the applicant, the lack of any diseases which could have made the applicant's detention impossible and the lack of reasons to change the preventive measure. The applicant appealed.

On 7 November 2006 the Regional Court quashed the decision of 27 September 2006 and ordered a fresh examination of the issue of the extension of the applicant's detention. The court noted that the hearing of 27 September constituted a fresh examination of the issue of the extension of the applicant's detention ordered by the decision of 12 September 2006. However, the decision of 27 September 2006 was taken by the same judge as the one who had passed the decision of 28 June 2006. The court left the preventive measure of the applicant's detention unchanged.

On 28 November 2006 the District Court extended the applicant's detention on remand up to six months calculated from the day when the court received that applicant's case for examination until 7 December 2006. The court relied on the gravity of the charges against the applicant, the fact that the applicant was unemployed, the possibility of him absconding and continuing his criminal activity and the lack of any diseases necessitating the applicant's release.

On 6 December 2006 the District Court extended the applicant's detention on remand for three months. The court relied on the gravity of the charges and the lack of reasons for changing the preventive measure. The applicant appealed.

On 29 December 2006 the Regional Court upheld the decision of 28 November 2006.

On 6 February 2007 the Regional Court upheld the decision of 6 December 2006.

On 27 February 2007 the District Court extended the applicant's detention on remand for three months.

On 6 July 2007 the District Court convicted the applicant of attempted sale of drugs and sentenced him to eight years and two months of imprisonment. The applicant appealed.

On 25 September 2007 the Regional Court upheld the judgment of 6 July 2007.

The applicant complained under Article 5 §§ 1, 3 and 4 of the Convention that the decisions extending his pre-trial detention had not been founded on sufficient grounds, that the appeal decisions of 12 September 2006 and 7 November 2006 had not contained any reasons for his detention and that his appeal against the detention order of 28 June 2006 had been examined only on 12 September 2006. Under Article 6 the applicant also complained about various procedural violations during the criminal proceedings against him.

The applicant's complaints under Article 5 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 his own observations. No reply was received to the Registry's letter.

By letter dated 31 January 2012, sent by registered post, the applicant's representative was notified that the period allowed for submission of his observations had expired on 6 September 2011 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. An employee at the applicant representative's office received this letter on 22 February 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

Elisabeth Steiner
President