



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

FIRST SECTION

DECISION

Application no. 5130/09
Ivan Konstantinovich SHAPIN
against Russia

The European Court of Human Rights (First Section), sitting on 19 February 2013 as a Committee composed of:

Elisabeth Steiner, *President*,

Mirjana Lazarova Trajkovska,

Ksenija Turković, *judges*,

and André Wampach, *Deputy Section Registrar*,

Having regard to the above application lodged on 24 December 2008,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Ivan Konstantinovich Shapin, is a Russian national, who was born in 1988 and lives in Ulyanovsk. He is serving his sentence in the correctional colony IK-2 in Novoulyanovsk.

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 under Article 6 of the Convention that he had been unfairly convicted of a drug offence incited by the police and that his plea of entrapment had not been properly examined in the domestic proceedings.

The applicant’s complaints were communicated to the Government, who submitted their observations on the admissibility and merits.

On 29 March 2011 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 12 October 2011, sent by registered post, the applicant was notified that the period allowed for submission of his observations had expired on 2 June 2011 and that no extension of time had been requested. The applicant'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. This letter arrived at the correctional colony, and the authorised officer signed the postal receipt. However, since no response has been received from the applicant, on 10 January 2012 the Registry, instructed by the rapporteur under Rule 49 § 3 (a) of the Rules of Court, sent a request to the Government for factual information, in order to verify that the Court's letters had reached the applicant.

The Government replied that he did, but in support of this allegation they attached an extract from the incoming mail registration log which did not contain the applicant's signature. The applicant, for his part, had not reacted when informed of this exchange.

On 13 June 2012 an additional request under Rule 49 § 3 (a) of the Rules of Court was sent to the Government asking to provide a document, signed by the applicant, acknowledging his receipt of the letters in question.

On 24 July 2012 the Government provided copies of envelopes endorsed by the applicant confirming his receipt of the letters dated 29 March 2011 and 13 June 2012, as well as the receipt notes signed by the applicant in respect of letters dated 12 October 2011 and 10 January 2012. The applicant was invited, on 26 July 2012, to comment on these submissions, which he did not.

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