



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

FIRST SECTION

DECISION

Applications nos. 46974/06 and 7480/07
Vyacheslav Yuryevich KAPLENKO against Russia
and Dmitriy Yuryevich GUSHCHIN against Russia

The European Court of Human Rights (First Section), sitting on 28 May 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 applications lodged on 25 October 2006 and 25 January 2007 respectively,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant in the first case, Mr Vyacheslav Yuryevich Kaplenko, is a Russian national, who was born in 1968 and lives in Pakino.

The applicant in the second case, Mr Dmitriy Yuryevich Gushchin, is a Russian national, who was born in 1988 and lives in Perm. He was represented before the Court by Mr Z.S. Zhulanov, a lawyer practising in Perm.

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



The first applicant complained, among other matters, about the fact that he had given his confession statement without being assisted by a lawyer.

The second applicant complained, among other matters, about his ill-treatment by the police and an ineffective investigation into his complaints.

The applications had been communicated to the Government, who submitted their observations on the admissibility and merits.

By letters of various dates, the Government's submissions were forwarded to the applicants who were requested to comment on them. No replies were received to the Registry's letters.

Following their failure to reply by the time-limit set by the Court, the applicants were notified by letters sent by registered post that the period allowed for their submissions had expired and that no extension of time had been requested. The applicants' 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 applicants do not intend to pursue the applications. As evidenced by the postal receipts, both applicants received these letters which did not however elicit any response on their part.

THE LAW

The Court decides to consider the applications in a single decision.

The Court considers that, in the circumstances of the cases, the applicants may be regarded as no longer wishing to pursue their applications, 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 cases.

In view of the above, it is appropriate to strike the cases out of the list.

For these reasons, the Court unanimously

Decides to join the applications,

Decides to strike the applications out of its list of cases.

André Wampach
Deputy Registrar

Elisabeth Steiner
President