



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

FIRST SECTION

DECISION

Application no. 58311/08
Andrey Nikolayevich KRAVTSOV
against Russia

The European Court of Human Rights (First Section), sitting on 28 May 2013 as a Committee composed of:

Khanlar Hajiyev, *President*,

Julia Laffranque,

Dmitry Dedov, *judges*,

and André Wampach, *Deputy Section Registrar*,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicants,

Having deliberated, decides as follows:

THE FACTS

1. The applicant, Mr Andrey Nikolayevich Kravtsov, is a Russian national, who was born in 1982 and lives in Moscow.

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

A. The circumstances of the case

3. The facts of the case, as submitted by the parties, may be summarised as follows.

4. From 28 September 2007 to 10 April 2008 the applicant was held in remand prison IZ-77/3 in the city of Moscow. According to him, the prison was overcrowded. The Government disputed that.

5. On 31 January 2008 the Kuntsevskiy District Court of Moscow convicted the applicant of an attempted large-scale sale of heroin and sentenced him to six years' imprisonment in a high-security institution. On 17 March 2008 the Moscow City Court upheld the conviction on appeal.

B. Procedure before the Court

6. On 5 September 2008 the applicant sent a communication to the Court, indicating his intention to lodge a complaint under Article 3 of the Convention about the conditions of his detention in the Moscow remand prison. The communication was received at the Court on 29 September 2008.

7. By letter of 5 December 2008, the Court acknowledged receipt of the communication and informed the applicant as follows (translated from Russian):

“Your attention is drawn to the fact that you must return to the Court the completed application form or additional documents within six months after the date of the Registry’s first letter to you. No extension of this time-limit is permitted. If the application form and documents are not returned within this time-limit, the file opened in respect of your application will be destroyed without further warning.”

The Court also requested the applicant to indicate the number of cells in which he had been held, and to provide copies of documents in support of his allegations.

8. On 2 June 2009 the applicant sent a further communications, in which he alleged a violation of Article 6 in the criminal proceedings against him, gave a detailed description of the conditions of his detention and enclosed some replies from supervising authorities.

9. By letter of 30 September 2009, the Court reminded the applicant that he had not yet submitted the completed application form. He was directed to submit it without further delay.

10. On 10 December 2009 the applicant submitted the completed application form and a form of authority. It was received at the Court on 4 January 2010.

COMPLAINTS

11. The applicant complained under Article 3 of the Convention about the allegedly inhuman conditions of his detention in the Moscow remand prison, under Article 6 about the procedural irregularities in the criminal

proceedings against him, and Article 13 about the absence of an effective domestic remedy.

THE LAW

12. The Government submitted that the applicant had returned the completed application form more than twelve months after the submission of the initial communication. In those circumstances, the date on the application form should be taken as the date of introduction of the application and it should be rejected as being belated.

13. The applicant made no specific comments on this point.

14. The Court reiterates that, in accordance with the established practice of the Convention organs and Rule 47 § 5 of the Rules of Court, it normally considers the date of the introduction of an application to be the date of the first communication indicating an intention to lodge an application and giving some indication of the nature of the application. Such first communication, which may take the form of a letter sent by fax, will in principle interrupt the running of the six-month period (see *Kemevuako v. the Netherlands* (dec.), no. 65938/09, § 19, 1 June 2010).

15. The purpose of the six-month rule is to promote security of the law, to ensure that cases raising Convention issues are dealt with within a reasonable time and to protect the authorities and other persons concerned from being under uncertainty for a prolonged period of time (see *Sabri Güneş v. Turkey* [GC], no. 27396/06, §§ 39-42, 29 June 2012). As the Court has held, it would be contrary to the spirit and aim of the six-month rule if, by any initial communication, an applicant could set into motion the proceedings under the Convention and then remain inactive for an unexplained and unlimited length of time. Applicants must therefore pursue their applications with reasonable expedition, after any initial introductory contact (see *P.M. v. the United Kingdom* (dec.), no. 6638/03, 24 August 2004). A failure to do so may lead the Court to decide that the interruption of the six-month period is to be invalidated and that it is the date of the submission of the completed application which is to be considered as the date of its introduction (see Rule 47 § 5 of the Rules of Court and paragraph 4 of the Practice Direction on the Institution on Proceedings).

16. The Court observes in the present case that – following receipt of his initial communication of 5 September 2008 – the applicant was advised by the Registry that he had to return the completed application form to the Court within six months from the date of the Registry's letter of 5 December 2008. However, the applicant did not send the completed application form until 10 December 2009, that is one year and five days later. The Court therefore determines that the date on which the completed

application form was sent, namely 10 December 2009, should be considered as the date of introduction of the present application.

17. The criminal proceedings against the applicant ended with the City Court's judgment of 17 March 2008 and the period of his detention he complained about came to its end on 10 April 2008. Both dates preceded the date of introduction of the present application by more than six months.

18. It follows that the application has been introduced out of time and must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

For these reasons, the Court unanimously

Declares the application inadmissible.

André Wampach
Deputy Registrar

Khanlar Hajiyev
President