



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

FIRST SECTION

DECISION

Application no. 57350/09
Yuriy BELYAYEVSKIY
against Russia

The European Court of Human Rights (First Section), sitting on 18 June 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 7 October 2009,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Yuriy Yuriyevich Belyayevskiy, is a Russian national, who was born in 1962 and lives in the town of Maykop, the Adygeya Republic.

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 3 of the Convention about the allegedly inhuman conditions of his detention in a cell for administratively arrested persons. He also complained under Articles 5 of the Convention that his detention had been unlawful and under Article 6 §§ 1 and 3 of the Convention that the administrative offence proceedings against him had been unfair. Finally, he complained about the alleged violations of his rights

under Articles 8 and 14 of the Convention, Article 2 of Protocol No. 4 and Article 3 of Protocol No. 7.

On 14 June 2012 the applicant's complaints under Articles 3 and 6 §§ 1 and 3 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 15 January 2013, sent by registered post, the applicant was notified that the period allowed for submission of his observations had expired on 12 December 2012 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. The applicant received this letter on 18 March 2013. 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