



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

FIRST SECTION

DECISION

Application no. 18524/09
Sergey Maratovich RODIN
against Russia

The European Court of Human Rights (First Section), sitting on 17 September 2013 as a Committee composed of:

Elisabeth Steiner, *President*,

Mirjana Lazarova Trajkovska,

Linos-Alexandre Sicilianos, *judges*,

and André Wampach, *Deputy Section Registrar*,

Having regard to the above application lodged on 5 March 2009,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Sergey Maratovich Rodin, is a national of Uzbekistan, who was born in 1968 and lived until his arrest in the town of Karshi, Uzbekistan. He was serving his sentence in the correctional colony in the town of Chelyabinsk, Chelyabinsk Region.

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

The applicant, who was sentenced to six years of imprisonment by the Sovetskiy District Court of Chelyabinsk following his conviction of aggravated robbery, complained, in particular, under Article 6 of the Convention about his absence from the appeal hearing in the criminal proceedings.

The applicant’s complaints 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 11 February 2013, sent by registered post, the applicant was notified that the period allowed for submission of his observations had expired on 9 January 2013 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. No response followed.

On 28 May 2013 the Court asked the Government to provide factual information. In particular, the Government was requested to confirm that the applicant had received the Court's letters, including the one sent on 11 February 2013, and to provide evidence in support of their statements.

On 9 July 2013 the Government informed the Court that on 14 June 2012 the applicant had been released on parole. He had informed the administration of the correctional colony of his intention to return to Uzbekistan. The Government submitted a copy of the record, signed by the applicant and indicating his home address in Uzbekistan. Having produced extracts from the correspondence logs of the applicant's correctional colony, they further stressed that the Court's letters received after the applicant's release had been forwarded to the applicant's home address in Uzbekistan.

The Court forwarded the Government's letter of 9 July 2013 to the applicant's address in Uzbekistan. No response has been received.

THE LAW

In that context, the Court recalls that, pursuant to Rule 47 § 6 of the Rules of Court, "applicants shall keep the Court informed of any change of address and of all circumstances relevant to the application". Under that Rule, it is incumbent on the applicant to provide at least a minimum of information, namely his postal address, enabling the Court to conduct correspondence with him and to proceed with his petition.

In the present case the applicant failed to inform the Court of the change of his postal address or to indicate any provisional address at which communication with him can be effected. The applicant also could have appointed a representative with whom the Court could have maintained communication while the applicant was not able to respond.

The Court infers therefrom that the applicant no longer wishes 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