



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

FIRST SECTION

DECISION

Application no. 57726/08
Ruslan Minulloovich MUKHAMETOV
against Russia

The European Court of Human Rights (First Section), sitting on 22 October 2013 as a Committee composed of:

Elisabeth Steiner, *President*,

Linos-Alexandre Sicilianos,

Ksenija Turković, *judges*

and André Wampach, *Deputy Section Registrar*,

Having regard to the above application lodged on 12 September 2008,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Ruslan Minulloovich Mukhametov, is a Russian national, who was born in 1974 and who until his conviction lived in Severomorsk, Murmansk Region. He was represented before the Court first by Mr A. Gerasimov and subsequently by Mr T. Ivashchenko, lawyers practising in Murmansk.

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, *inter alia*, about conditions of his detention in remand prison, absence of an effective domestic remedy in this respect, and inability to examine a prosecution witness.

On 17 March 2011 the above complaints were communicated to the Government under Articles 3, 6 §§ 1 and 3 (d), and 13 of the Convention.

Following receipt of the Government’s observations on the admissibility and merits of the case on 19 July 2011, the applicant was invited to submit through his representative Mr A. Gerasimov his observations in reply, by 26 September 2011.

On 25 August 2011 the English version of the Government's observations was forwarded to Mr A. Gerasimov. The time-limit for the submission of the applicant's observations remained unaffected.

As no reply was received from Mr A. Gerasimov by 26 September 2011, on 4 November 2011 the Court sent him a letter, advising him that the failure to submit the observations on behalf of the applicant might result in the strike-out of the application. No reply followed.

On 3 April 2012 the Court received a letter from the applicant enclosing further submissions on the above case. It followed from the contents of the above letter that the applicant was unaware of the fact that on 17 March 2011 his application had been communicated to the Russian Government. The Court requested the applicant to clarify, by 29 June 2012, whether Mr A. Gerasimov was indeed representing the applicant before the Court and explain the failure to submit his written observations on the admissibility and merits of the case, together with any claims for just satisfaction, within the prescribed time-limit.

On 22 June 2012 the applicant confirmed that Mr A. Gerasimov had still been acting as his representative.

On 10 August 2012 another strike-out warning was sent by registered mail to the applicant's representative Mr A. Gerasimov.

On 23 August 2012 the applicant informed the Court that he had no longer been represented by Mr A. Gerasimov and that he had appointed another lawyer, Mr T. Ivashchenko to secure his representation before the Court.

In view of the above, on 19 October 2012 the President of the Section has decided to extend to 21 December 2012 the time allowed for submission of the applicant's observations. The applicant's attention was drawn to the fact that these observations were to be submitted by his representative Mr T. Ivashchenko and that for practical reasons the Court would continue corresponding with the lawyer only. Mr T. Ivashchenko was informed accordingly.

As no reply was received from the applicant's representative by 21 December 2012, on 13 March 2013 the Court sent a letter by registered mail to Mr T. Ivashchenko advising him that the failure to submit the observations on behalf of the applicant might result in the strike-out of the application. 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