



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

FIRST SECTION

DECISION

Applications nos. 22415/06 and 44832/09
Ruslan Damirovich KAIPKULOV against Russia
and Igor Dmitriyevich PRIVALOV against Russia

The European Court of Human Rights (First Section), sitting on 28 January 2014 as a Committee composed of:

Khanlar Hajiyev, *President*,

Julia Laffranque,

Erik Møse, *judges*,

and André Wampach, *Deputy Section Registrar*,

Having regard to the above applications lodged on 8 March 2006 and 17 July 2009 respectively,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant in the first case, Mr Ruslan Damirovich Kaipkulov, is a Russian national, who was born in 1984 and lives in Ufa.

2. The applicant in the second case, Mr Igor Dmitriyevich Privalov, is a stateless person, who was born in 1964 and lives in Anisimovka in the Novosibirsk Region.

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

4. Both applicants complained under Article 3 of the Convention that the conditions of their pre-trial detention had been inhuman and degrading. In addition, Mr Privalov alleged that a part of that detention was in breach of Article 5 §§ 3 and 4 of the Convention.

5. The applicants’ complaints were communicated to the Government who submitted unilateral declarations with a view to settling the cases. The declarations were forwarded to the applicants who were invited to comment on them.

6. By further letters, sent by registered post, the applicants were notified that the period allowed for submission of their comments on the unilateral declarations 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 applicant does not intend to pursue the application.

7. On 28 October and 4 November 2013, the registered letters returned to the Court as unclaimed or undeliverable due to a change of the recipient's address.

8. The applicants did not inform the Court of any change in their contact details.

THE LAW

9. According to Article 37 § 1 of the Convention, the Court may strike a case out of its list of cases where the circumstances lead to the conclusion that an applicant does not intend to pursue the application.

10. The Court considers that the applicants' failure to inform the Registry about the change of their contact details despite the explicit obligation to that effect in the Court's letters, indicates that they have lost interest in the proceedings 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.

11. In view of the above, it is appropriate to consider their applications in a single decision and to strike them out of the list.

For these reasons, the Court unanimously

Decides to join the applications;

Decides to strike them out of its list of cases.

André Wampach
Deputy Registrar

Khanlar Hajiyev
President