



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

FIRST SECTION

DECISION

Application no. 31442/08
Aleksandr Vladimirovich ZHELNOV
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,

Dmitry Dedov, *judges*,

and André Wampach, *Deputy Section Registrar*,

Having regard to the above application lodged on 17 May 2008,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Aleksandr Vladimirovich Zhelnov, a Russian national, who was born in 1951 and lived, prior to his arrest, in Nedvigovka, Rostov Region.

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*, that he had not been provided with legal assistance in the course of the criminal proceedings against him before the appeal court.

On 23 November 2012 the application was communicated for observations to the Government who submitted them, as requested, by 15 March 2013. The observations were forwarded to the applicant, who was invited to submit his own observations.

On 4 February 2013 the correctional facility where the applicant had been serving a prison sentence, informed the Court of his death on 10 October 2010.

By letter dated 27 March 2013 sent by registered post, the applicant's family was asked to indicate, by 27 May 2013, whether they wished to pursue the proceedings in the present case. They received the letter on 7 June 2013. However, they have not responded to the Court to date.

THE LAW

The Court notes that in a number of cases in which an applicant died in the course of the proceedings, it has taken into account the statements of the applicant's heirs or of close family members expressing the wish to pursue the proceedings before the Court (see, for example, *Deweert v. Belgium*, 27 February 1980, § 37, Series A no. 35; *Vocaturo v. Italy*, 24 May 1991, § 2, Series A no. 206-C; *Pandolfelli and Palumbo v. Italy*, 27 February 1994, § 2, Series A no. 231-B; *Malhous v. the Czech Republic* (dec.), no. 33071/96, ECHR 2000-XII; and *Dalban v. Romania* [GC], no. 28114/95, § 39, ECHR 1999-VI).

None of the applicant's family or relatives informed the Court about their wish to pursue the application on the applicant's behalf.

Following its established practice in similar circumstances (see *Scherer v. Switzerland*, 25 March 1994, § 31, Series A no. 287; *Karner v. Austria*, no. 40016/98, § 23, ECHR 2003-IX; and *Thevenon v. France* (dec.), no. 2476/02, ECHR 2006-III), the Court considers that the present application should be struck out of its list in accordance with Article 37 § 1 of the Convention.

Lastly, the Court discerns no special circumstances in the present case regarding respect of the rights guaranteed by the Convention and its Protocols, which necessitate proceeding with the examination of the complaints raised (see, by contrast, *Karner*, cited above, § 27).

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases.

André Wampach
Deputy Registrar

Khanlar Hajiyev
President