



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

FIRST SECTION

DECISION

Application no. 58741/09
Nail Bastamovich KHUBBATULLIN
against Russia

The European Court of Human Rights (First Section), sitting on 18 March 2014 as a Committee composed of:

Khanlar Hajiyev, *President*,

Erik Møse,

Dmitry Dedov, *judges*,

and André Wampach, *Deputy Section Registrar*,

Having regard to the above application lodged on 18 October 2009,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Nail Khubbatullin, is a Russian national, who was born in 1968 and lives in Naberezhnye Chelny. He was represented before the Court by Mr S. Polufakin, a lawyer practising in Naberezhnye Chelny.

The Russian Government (“the Government”) are 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 of conditions of his detention on remand and of alleged lack of adequate medical assistance while in detention.

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 letters dated 25 July 2013, sent by registered post, both the applicant and his representative were notified that the period allowed for submission of the observations had expired on 10 May 2013 and that no extension of time had been requested. The applicant’s and his representative’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 14 August 2013 and his representative received the warning on 21 August 2013. However, no response has been received from either the applicant or his representative.

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

Khanlar Hajiyev
President