



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

FIRST SECTION

DECISION

Application no. 48335/06
Oleg Seddikovich POLUYESHKIN and
Irina Gennadyevna POLUYESHKINA
against Russia

The European Court of Human Rights (First Section), sitting on 1 April 2014 as a Committee composed of:

Khanlar Hajiyeu, *President*,

Julia Laffranque,

Dmitry Dedov, *judges*,

and André Wampach, *Deputy Section Registrar*,

Having regard to the above application lodged on 28 November 2006,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicants, Mr Oleg Seddikovich Poluyeshkin and Ms Irina Gennadyevna Poluyeshkina, are Russian nationals, who were born in 1961 and 1986 respectively and live in Kaliningrad. They were represented before the Court by Mr S. Borodikhin, a lawyer practising in Kaliningrad.

The Russian Government (“the Government”) were initially represented by Mr P. Laptev and subsequently by Ms V. Milinchuk and Mr G. Matyushkin, respective Representatives of the Russian Federation before the European Court of Human Rights.

The applicants complained under Articles 3 and 5 §§ 1 and 4 of the Convention about conditions of confinement of the first applicant in a psychiatric hospital, unlawfulness of such detention and lack of effective judicial review.

The applicants’ complaints under Articles 3 and 5 §§ 1 and 4 were communicated to the Government, who submitted their observations on the admissibility and merits.

By letter dated 16 February 2012 the Government's observations were sent to the applicants' representative, who was requested to submit any observations together with any claims for just satisfaction in reply by 19 April 2012.

By letter dated 24 May 2012, sent by registered post, the applicants' representative was notified that the period allowed for submission of the applicants' observations had expired on 19 April 2012 and that no extension of time had been requested. The applicants' 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 applicants do not intend to pursue the application. The applicants' representative received the letter on 21 June 2012. However, no response has been received.

THE LAW

The Court considers that, in these circumstances, the applicants may be regarded as no longer wishing to pursue their 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