



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

FIRST SECTION

DECISION

Application no. 48156/09
Anatoliy Gennadyevich SUZDALEV
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 30 July 2009,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Mr Anatoliy Gennadyevich Suzdalev, is a Russian national, who was born in 1972 and is currently serving a sentence of life imprisonment in facility IK-18 in the Kharp settlement in the Yamalo-Nenets Region of Russia.

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

3. On 3 September 2008 the Kurgan Regional Court found the applicant guilty on four counts of murder and sentenced him to life imprisonment. On 5 February 2009 the Supreme Court of the Russian Federation upheld the conviction on appeal.

4. By a partial decision of 27 September 2011, the Court decided to give notice to the Government of the applicant’s complaint concerning the alleged discrimination in the sentencing policies and declared inadmissible the remainder of his application.

5. On 20 January 2012 the Government submitted to the Registry their observations on the admissibility and merits of the application. These were

forwarded to the applicant, who was invited to submit observations in reply by 27 March 2012. The Court did not receive the observations.

6. By letter dated 23 April 2011, sent by registered post, the applicant was notified that the period allowed for submission of his observations had expired and that no extension of time had been requested. The applicant'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. No response followed.

7. For the avoidance of doubt, the Court asked the Government to produce evidence that the applicant had received the Court's letters. On 1 February 2013 the Government submitted copies of the correspondence register, showing that the applicant signed for receipt of the Court's letters.

8. On 26 February 2013 the Court received a communication from the applicant raising certain new issues relating to the criminal proceedings against him. That information being belated, the President of the Section decided, under Rule 38 § 1 of the Rules of Court, that it should not be included in the case file for the consideration by the Court.

THE LAW

9. In the light of the applicant's failure to submit observations on the admissibility and merits of the case within the established time-limit, and in the absence of any special circumstances regarding respect for the rights guaranteed by the Convention or its Protocols, the Court, in accordance with Article 37 § 1 (c) of the Convention, considers that it is no longer justified to continue the examination of the application.

10. Accordingly, the case should be struck 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