



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

FIRST SECTION

DECISION

Application no. 46106/07
Yuriy Dmitriyevich STOLMAKOV
against Russia

The European Court of Human Rights (First Section), sitting on 1 July 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 10 October 2007,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Yuriy Dmitriyevich Stolmakov, is a Russian national, who was born in 1972 and lives in Magadan, the Magadan 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 under Articles 3, 5 and 13 of the Convention about alleged ill-treatment by the officers of a local Drug Control Department and unrecorded detention at the Department on 27 October 2004, as well as about an ineffective investigation into those complaints at the domestic level. Those complaints were communicated to the Government, who submitted their observations on the admissibility and merits.

The observations were forwarded to the applicant’s latest known address in the correctional colony. On 5 July 2013 a correctional colony officer returned the Court’s letter, unopened, to the Court and informed the Court that in 2009 the applicant had been released from custody.

On 29 August 2013 the Government's observations were sent to the applicant's home address as specified in the application form. The applicant was again invited to submit his own observations. No reply was received to the Registry's letter.

By letter dated 11 February 2014, sent by registered post, the applicant was notified that the period allowed for submission of his observations had expired on 19 December 2013 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. The applicant received this letter on 10 April 2014. However, no response has been received.

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