



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

FIRST SECTION

DECISION

Application no. 3909/08
Sergey Mikhaylovich AGARKOV
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 1 December 2007,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Sergey Mikhaylovich Agarkov, is a Russian national, who was born in 1985 and lives in Valuyki, the Belgorod 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 and 13 of the Convention that on 16 November 2005 he had been ill-treated by the officers of the Belgorod Department of the Federal Drug Control Service and that the domestic investigation into his ill-treatment complaint had been ineffective. Those 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 letter of 7 November 2013, sent by registered post to the applicant’s latest known address in the correctional colony, the applicant was informed that the period allowed for submission of his observations had expired and that no extension of time had been requested.

On 4 December 2013 the letter was received by a colony officer.

In reply to the Court's inquiry in that respect under Rule 49 § 3 (a) of the Rules of Court, on 21 March 2014 the Government submitted that in August 2010 the applicant had been released from the colony. They informed the Court that after his release the applicant resided at his home address specified in the application form of 2008. They further submitted that the Court's letter of 7 November 2013, as well as its earlier correspondence concerning the present application had been forwarded by the colony authorities to the applicant's home address, and provided documents in support of their submissions.

By letter dated 28 March 2014, sent by registered post, the applicant was invited to submit comments to the Government's above submissions. 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. On 16 May 2014 the postal service sent the letter back to the Court, because the delivery of the letter was impossible due to the applicant's absence.

The applicant sent his last letter to the Court in 2008. Although the applicant knew that he had the obligation to inform the Court of any change in his address and about any major developments regarding his case, he neither informed the Court about his release nor provided it with his new address.

THE LAW

The Court reiterates that under Rule 47 § 7 of the Rules of Court applicants shall keep the Court informed of any change of address and of all circumstances relevant to the application. The Court considers that the applicant's failure to inform the Registry about the developments in his case, the change of his address, and the absence of any correspondence from him for nearly six years, indicate that he has lost interest in the complaint and 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