

COUR EUROPEENNE
DES
DROITS DE L'HOMME
CONSEIL DE L'EUROPE
STRASBOURG

О. Садовская
С. Мошкова
29.01.09
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19 ЯНВ 2009

EUROPEAN COURT
OF
HUMAN RIGHTS
COUNCIL OF EUROPE
STRASBOURG

Г-же САДОВСКОЙ О.А.
ул. Кожевнная, д. 11, оф. 304,
г. Нижний Новгород, 603001
РОССИЯ / RUSSIA

FIRST SECTION

ECHR-LE10.1aR
SVA/SVA/vne

Application no. 77783/01
Sankin v. Russia

19 DEC. 2008

Dear Madam,

I write to inform you that the European Court of Human Rights decided on 11 December 2008, after having deliberated, to strike the above application out of its list of cases. A copy of the decision is enclosed.

This communication is made pursuant to Rule 56 § 2 of the Rules of Court.

Yours faithfully,



Søren Nielsen
Section Registrar

Enc: Decision



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

FIRST SECTION

DECISION

Application no. 77783/01
by Sergey Yuryevich SANKIN
against Russia

The European Court of Human Rights (First Section), sitting on
11 December 2008 as a Chamber composed of:

Christos Rozakis, *President*,

Nina Vajić,

Anatoly Kovler,

Elisabeth Steiner,

Dean Spielmann,

Sverre Erik Jebens,

George Nicolaou, *judges*,

and Søren Nielsen, *Section Registrar*,

Having regard to the above application lodged on 5 November 2001,

Having regard to the observations submitted by the respondent
Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Sergey Yuryevich Sankin, is a Russian national who was born in 1966 and lives in Nizhniy Novgorod. He was represented before the Court by Ms O.A. Sadovskaya, a lawyer of the Committee Against Torture, an NGO based in Nizhniy Novgorod. The Russian Government ("the Government") were initially represented by Mr P. Laptev, former Representative of the Russian Federation at the European Court of Human Rights, and subsequently by their Representative, Mr G. Matyushkin.

The facts of the case, as submitted by the parties, may be summarised as follows.

At about 9 p.m. on 31 May 2000 the applicant had a quarrel with his wife, in the course of which she called the police. The applicant was taken to a police station of the Nizhniy Novgorod Sormovskiy district police department where he was placed in a cell for administrative offenders.

The police released the applicant at about 8 a.m. on 1 June 2000.

On 2 June 2000, he went to a traumatology centre. He alleged having been beaten up by the police and was certified as having a brain concussion and bruises on his head, trunk, hands and legs. He was immediately hospitalised.

On the same day the Sormovskiy district police department received communication from the hospital about the applicant's alleged beating by police officers on 31 May 2000. On 9 June 2000 the police took a decision not to institute criminal proceedings for the lack of crime.

The applicant started suffering from attacks of epilepsy. He was diagnosed with posttraumatic cerebral arachnoiditis and posttraumatic encephalopathy with emotional disorder.

On 20 December 2000 the Nizhniy Novgorod Sormovskiy district prosecutor's office instituted criminal proceedings in respect of the applicant's alleged ill-treatment by the police.

According to an expert report of 15 February 2001, the applicant's injuries - brain concussion, bruises on his head, trunk and legs - could have been caused by blunt objects, for example by kicking and punching and by beating with a rubber stick. The possibility of causing them as a result of a fall was excluded by the expert.

On 20 March 2001 the prosecutor's office terminated the proceedings for the lack of crime.

On 28 March 2001 the applicant was certified to have a partial disability.

According to an expert opinion of 25 July 2001, he suffers from a mental disorder as a result of the craniocerebral injury which made him one third disabled.

The proceedings in respect of the applicant's alleged ill-treatment by the police were reopened on the applicant's appeals and closed many times until they were reopened again on 9 November 2004, this time proceeding to the stage of laying charges against two police officers.

On 22 December 2005 the Sormovskiy District Court of Nizhniy Novgorod convicted these officers of inflicting grievous bodily harm on the applicant and abuse of power and sentenced each of them to five and a half years' imprisonment. On 17 March 2006 the Nizhegorodskiy Regional Court examined the case on appeal and reduced the sentence for both convicts to three and a half years' imprisonment.

On 17 June 2008 the Sormovskiy District Court of Nizhniy Novgorod awarded the applicant, by way of compensation for the damage caused by

the crime, 3,146,464 (three million one hundred forty six thousand four hundred sixty four) Russian roubles and monthly compensation of 17,015 (seventeen thousand fifteen) roubles to be paid by the Ministry of Finance of the Nizhniy Novgorod region until April 2009.

In October 2008 the lump sum awarded was paid to the applicant.

COMPLAINTS

The applicant complained under Article 3 of the Convention that the police officers had subjected him to torture and inhuman and degrading treatment. He further complained under Articles 3 and 13 of the Convention that no effective investigation into his complaint had been carried out. He also complained under Article 5 § 1 of the Convention about his detention on 31 May 2000.

THE LAW

In their letters of 28 December 2005 and 3 April 2006 the Government asked the Court to strike the case out of its list of cases in view of the restoration of the applicant's rights under the Convention by the conviction of those responsible for the violation of his rights and the fact that it was open to the applicant to lodge a civil claim for the damage sustained.

On 11 November 2008 the applicant informed the Court that he wished to withdraw the application since the violations of his rights under the Convention had been fully remedied by the State by the conviction of the police officers and by awarding and paying him the compensation for the damage he had sustained as a result of those violations.

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.



Søren Nielsen
Registrar



Christos Rozakis
President

